

# Application for a §1915(c) Home and Community-Based Services Waiver

## PURPOSE OF THE HCBS WAIVER PROGRAM

*The Medicaid Home and Community-Based Services (HCBS) waiver program is authorized in §1915(c) of the Social Security Act. The program permits a State to furnish an array of home and community-based services that assist Medicaid beneficiaries to live in the community and avoid institutionalization. The State has broad discretion to design its waiver program to address the needs of the waivers target population. Waiver services complement and/or supplement the services that are available to participants through the Medicaid State plan and other federal, state and local public programs as well as the supports that families and communities provide.*

*The Centers for Medicare & Medicaid Services (CMS) recognizes that the design and operational features of a waiver program will vary depending on the specific needs of the target population, the resources available to the State, service delivery system structure, State goals and objectives, and other factors. A State has the latitude to design a waiver program that is cost-effective and employs a variety of service delivery approaches, including participant direction of services.*

## Request for an Amendment to a §1915(c) Home and Community-Based Services Waiver

### 1. Request Information

- A. The **State** of Kentucky requests approval for an amendment to the following Medicaid home and community-based services waiver approved under authority of §1915(c) of the Social Security Act.
- B. **Program Title:** Model Waiver II
- C. **Waiver Number:** KY.40146
- D. **Amendment Number:** TBD
- E. **Proposed Effective Date:** (mm/dd/yy): 12/1/19

### 2. Purpose(s) of Amendment

**Purpose(s) of the Amendment.** *Describe the purpose(s) of the amendment:*

Revisions focus on policies being clarified, updated, and enhanced to offer easier interpretation and improved compliance. Specifically, the policy changes:

- Standardize service definitions to support providers' to deliver services within more waivers to improve service delivery network access for participants
- Create consistent terms, definitions, and alignment of similar process across waivers
- Incorporate precision in how processes are articulated and expectations for responsible parties
- Streamline policies to treat all waiver populations equitably to address stakeholder concerns that some waiver populations get more and some get less, by introducing standards that support individualized service planning
- Confirm waiver language meets the intent of the sub-section, as per CMS 1915(c) Instructions, Technical Guide and Review Criteria

### 3. Nature of the Amendment

- A. **Component(s) of the Approved Waiver Affected by the Amendment.** *This amendment affects the following component(s) of the approved waiver. Revisions to the affected subsection(s) of these component(s) are being submitted concurrently (check each that applies):*

Components of the Approved Waiver	Subsection(s)
Waiver Application	
Appendix A Waiver Administration and Operation	X
Appendix B Participant Access and Eligibility	X
Appendix C Participant Services	X
Appendix D Participant Centered Service Planning and Delivery	
Appendix E Participant Direction of Services	
Appendix F Participant Rights	X
Appendix G Participant Safeguards	X
Appendix H Quality Systems Improvement	x
Appendix I Financial Accountability	
Appendix J Cost-Neutrality Demonstration	

- B. **Nature of the Amendment.** *Indicate the nature of the changes to the waiver that are proposed in the amendment (check each that applies):*

	<b>Modify target groups(s)</b>
	<b>Modify Medicaid eligibility</b>
	<b>Add/delete services</b>
	<b>Revise service specifications</b>
x	<b>Revise provider qualifications</b>
	<b>Increase/decrease number of participants</b>
	<b>Revise cost neutrality demonstration</b>
	<b>Add participant-direction of services</b>
	<b>Other</b> <i>Specify:</i>

## Application for a §1915(c) Home and Community-Based Services Waiver

### 1. Request Information (1 of 3)

- A. The **State** of Kentucky requests approval for a Medicaid home and community-based services (HCBS) waiver under the authority of 1915(c) of the Social Security Act (the Act).
- B. **Program Title** (optional – this title will be used to locate this waiver in the finder): Model Waiver II
- C. **Type of Request:** Amendment

**Requested Approval Period:** (For new waivers requesting five year approval periods, the waiver must serve individuals who are daily eligible for Medicaid and Medicare.)

	<b>3 years</b>	X	<b>5 years</b>
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**Original Base Waiver Number:** KY.40146

**Draft ID:**

- D. **Type of Waiver** (select only one): Model
- E. **Proposed Effective Date of Waiver being Amended:** 12/1/19  
**Approved Effective Date of Waiver being Amended:**

### 1. Request Information (2 of 3)

- F. **Level(s) of Care:** *This waiver is requested in order to provide home and community-based waiver services to individuals who, but for the provision of such services, would require the following level(s) of care, the costs of which would be reimbursed under the approved Medicaid State plan (check each that applies):*

	<b>Hospital</b> <i>Select applicable level of care</i>
	<b>Hospital as defined in 42 CFR 440.10</b>

		<i>If applicable, specify whether the State additionally limits the waiver to subcategories of the hospital level of care:</i>
		<b>Inpatient psychiatric facility for individuals age 21 and under as provided in 42 CFR 440.160</b>
X	<b>Nursing Facility</b> <i>Select applicable level of care</i>	
	X	<b>Nursing Facility as defined in 42 CFR 440.40 and 42 CFR 440.155</b> <i>If applicable, specify whether the State additionally limits the waiver to subcategories of the nursing facility level of care:</i> NF served in Hospital
		<b>Institution for Mental Disease for persons with mental illness aged 65 and older as provided in 42 CFR 440.140</b>
	<b>Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) (as defined in 42 CFR 440.150)</b> <i>If applicable, specify whether the State additionally limits the waiver to subcategories of the ICF/IID level of care:</i>	

## 1. Request Information (3 of 3)

G. **Concurrent Operation with Other Programs.** *This waiver operates concurrently with another program (or programs) approved under the following authorities*

*Select one:*

X	<b>Not applicable</b>	
	<b>Applicable</b> <i>Check the applicable authority or authorities:</i>	
		<b>Services furnished under the provisions of 1915(a)(1)(a) of the Act and described in Appendix I</b>
		<b>Waiver(s) authorized under 1915(b) of the Act.</b> <i>Specify the 1915(b) waiver program and indicate whether a 1915(b) waiver application has been submitted or previously approved:</i>
		<b>Specify the 1915(b) authorities under which this program operates (check each that applies):</b>
		<b>1915(b)(1) (mandated enrollment to managed care)</b>
		<b>1915(b)(2) (central broker)</b>
		<b>1915(b)(3) (employ cost savings to furnish additional services)</b>

		<b>1915(b)(4) (selective contracting/limit number of providers)</b>
		<b>A program operated under 1932(a) of the Act.</b> <i>Specify the nature of the State Plan benefit and indicate whether the State Plan Amendment has been submitted or previously approved:</i>
		<b>A program authorized under 1915(i) of the Act.</b>
		<b>A program authorized under 1915(j) of the Act.</b>
		<b>A program authorized under 1115 of the Act.</b> <i>Specify the program:</i>

#### H. Dual Eligibility for Medicaid and Medicare.

*Check if applicable:*

X	<b>This waiver provides services for individuals who are eligible for both Medicare and Medicaid.</b>
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## 2. Brief Waiver Description

**Brief Waiver Description.** In one page or less, briefly describe the purpose of the waiver, including its goals, objectives, organizational structure (e.g. the roles of state, local and other entities), and service delivery methods.

The purpose of this waiver is to prevent institutionalization of waiver participants by offering effective, individualized services that ensure the health, safety and welfare of participants so they may remain in their own home and community.

### Goals

#### Waiver recipients

- 1) Are safe and healthy while living in the community;
- 2) Receive effective and individualized assistance; and
- 3) Have easy access and choice to waiver services.

### Objectives

- 1) Identify individualized needs through an assessment process leading to a comprehensive person-centered service plan,
- 2) Ensure home and community based services are comprehensive alternatives to institutional services,
- 3) Improve information, access, and utilization of community based services,
- 4) Enhance provider competency and continuity of care by enhancing certification and training requirements, and;

## Organizational Structure

The Department for Medicaid Services (DMS) exercises administrative discretion in the operation of the waiver and in setting policies, rules and regulations related to the waiver. DMS or their designee will serve as the operating entity through a contract with DMS.

### 3. Components of the Waiver Request

The waiver application consists of the following components. Note: Item 3-E must be completed.

- A. **Waiver Administration and Operation.** Appendix A specifies the administrative and operational structure of this waiver.
- B. **Participant Access and Eligibility.** Appendix B specifies the target group(s) of individuals who are served in this waiver, the number of participants that the State expects to serve during each year that the waiver is in effect, applicable Medicaid eligibility and post-eligibility (if applicable) requirements, and procedures for the evaluation and reevaluation of level of care.
- C. **Participant Services.** Appendix C specifies the home and community-based waiver services that are furnished through the waiver, including applicable limitations on such services.
- D. **Participant-Centered Service Planning and Delivery.** Appendix D specifies the procedures and methods that the State uses to develop, implement and monitor the participant-centered service plan (of care).
- E. **Participant-Direction of Services.** When the State provides for participant direction of services, Appendix E specifies the participant direction opportunities that are offered in the waiver and the supports that are available to participants who direct their services. (Select one):

	<b>Yes. This waiver provides participant direction opportunities. Appendix E is required.</b>
X	<b>No. This waiver does not provide participant direction opportunities. Appendix E is not required.</b>

- F. **Participant Rights.** Appendix F specifies how the State informs participants of their Medicaid Fair Hearing rights and other procedures to address participant grievances and complaints.
- G. **Participant Safeguards.** Appendix G describes the safeguards that the State has established to assure the health and welfare of waiver participants in specified areas.
- H. **Quality Improvement Strategy.** Appendix H contains the Quality Improvement Strategy for this waiver.
- I. **Financial Accountability.** Appendix I describes the methods by which the State makes payments for waiver services, ensures the integrity of these payments, and complies with applicable federal requirements concerning payments and federal financial participation.
- J. **Cost-Neutrality Demonstration.** Appendix J contains the State's demonstration that the waiver is cost-neutral.

### 4. Waiver(s) Requested

- A. **Comparability.** The State requests a waiver of the requirements contained in §1902(a)(10)(B) of the Act in order to provide the services specified in Appendix C that are not otherwise available under the approved Medicaid State plan to individuals who: (a) require the level(s) of care specified in Item 1.F and (b) meet the target group criteria specified in Appendix B.
- B. **Income and Resources for the Medically Needy.** Indicate whether the State requests a waiver of §1902(a)(10)(C)(i)(III) of the Act in order to use institutional income and resource rules for the medically needy (select one):

	<b>Not Applicable</b>
	<b>No</b>
X	<b>Yes</b>

- C. **Statewideness.** Indicate whether the State requests a waiver of the statewideness requirements in §1902(a)(1) of the Act (select one):

X	<b>No</b>
	<b>Yes</b> If yes, specify the waiver of statewideness that is requested (check each that applies):
	<b>Geographic Limitation.</b> A waiver of statewideness is requested in order to furnish services under this waiver only to individuals who reside in the following geographic areas or political subdivisions of the State. Specify the areas to which this waiver applies and, as applicable, the phase-in schedule of the waiver by geographic area:
	<b>Limited Implementation of Participant-Direction.</b> A waiver of statewideness is requested in order to make participant-direction of services as specified in Appendix E available only to individuals who reside in the following geographic areas or political subdivisions of the State. Participants who reside in these areas may elect to direct their services as provided by the State or receive comparable services through the service delivery methods that are in effect elsewhere in the State.  Specify the areas of the State affected by this waiver and, as applicable, the phase-in schedule of the waiver by geographic area:

## 5. Assurances

In accordance with 42 CFR §441.302, the State provides the following assurances to CMS:

- A. **Health & Welfare.** The State assures that necessary safeguards have been taken to protect the health and welfare of persons receiving services under this waiver. These safeguards include:
1. As specified in **Appendix C**, adequate standards for all types of providers that provide services under this waiver;
  2. Assurance that the standards of any State licensure or certification requirements specified in **Appendix C** are met for services or for individuals furnishing services that are provided under the waiver. The State assures that these requirements are met on the date that the services are furnished; and,
  3. Assurance that all facilities subject to §1616(e) of the Act where home and community-based waiver services are provided comply with the applicable State standards for board and care facilities as specified in **Appendix C**.
- B. **Financial Accountability.** The State assures financial accountability for funds expended for home and community-based services and maintains and makes available to the Department of Health and Human Services (including the Office of the Inspector General), the Comptroller General, or other designees, appropriate financial records documenting the cost of services provided under the waiver. Methods of financial accountability are specified in **Appendix I**.

- C. **Evaluation of Need:** The State assures that it provides for an initial evaluation (and periodic reevaluations, at least annually) of the need for a level of care specified for this waiver, when there is a reasonable indication that an individual might need such services in the near future (one month or less) but for the receipt of home and community-based services under this waiver. The procedures for evaluation and reevaluation of level of care are specified in **Appendix B**.
- D. **Choice of Alternatives:** The State assures that when an individual is determined to be likely to require the level of care specified for this waiver and is in a target group specified in **Appendix B**, the individual (or, legal representative, if applicable) is:
1. Informed of any feasible alternatives under the waiver; and,
  2. Given the choice of either institutional or home and community-based waiver services. **Appendix B** specifies the procedures that the State employs to ensure that individuals are informed of feasible alternatives under the waiver and given the choice of institutional or home and community-based waiver services.
- E. **Average Per Capita Expenditures:** The State assures that, for any year that the waiver is in effect, the average per capita expenditures under the waiver will not exceed 100 percent of the average per capita expenditures that would have been made under the Medicaid State plan for the level(s) of care specified for this waiver had the waiver not been granted. Cost-neutrality is demonstrated in Appendix J.
- F. **Actual Total Expenditures:** The State assures that the actual total expenditures for home and community-based waiver and other Medicaid services and its claim for FFP in expenditures for the services provided to individuals under the waiver will not, in any year of the waiver period, exceed 100 percent of the amount that would be incurred in the absence of the waiver by the State's Medicaid program for these individuals in the institutional setting(s) specified for this waiver.
- G. **Institutionalization Absent Waiver:** The State assures that, absent the waiver, individuals served in the waiver would receive the appropriate type of Medicaid-funded institutional care for the level of care specified for this waiver.
- H. **Reporting:** The State assures that annually it will provide CMS with information concerning the impact of the waiver on the type, amount and cost of services provided under the Medicaid State plan and on the health and welfare of waiver participants. This information will be consistent with a data collection plan designed by CMS.
- I. **Habilitation Services.** The State assures that prevocational, educational, or supported employment services, or a combination of these services, if provided as habilitation services under the waiver are: (1) not otherwise available to the individual through a local educational agency under the Individuals with Disabilities Education Act (IDEA) or the Rehabilitation Act of 1973; and, (2) furnished as part of expanded habilitation services.
- J. **Services for Individuals with Chronic Mental Illness.** The State assures that federal financial participation (FFP) will not be claimed in expenditures for waiver services including, but not limited to, day treatment or partial hospitalization, psychosocial rehabilitation services, and clinic services provided as home and community-based services to individuals with chronic mental illnesses if these individuals, in the absence of a waiver, would be placed in an IMD and are: (1) age 22 to 64; (2) age 65 and older and the State has not included the optional Medicaid benefit cited in 42 CFR §440.140; or (3) age 21 and under and the State has not included the optional Medicaid benefit cited in 42 CFR § 440.160.

## 6. Additional Requirements

Note: Item 6-I must be completed.

- A. **Service Plan.** In accordance with 42 CFR §441.301(b)(1)(i), a participant-centered service plan (of care) is developed for each participant employing the procedures specified in Appendix D. All waiver services are furnished pursuant to the service plan. The service plan describes: (a) the waiver services that are furnished to the participant, their projected frequency and the type of provider that furnishes each service

and (b) the other services (regardless of funding source, including State plan services) and informal supports that complement waiver services in meeting the needs of the participant. The service plan is subject to the approval of the Medicaid agency. Federal financial participation (FFP) is not claimed for waiver services furnished prior to the development of the service plan or for services that are not included in the service plan.

- B. **Inpatients.** In accordance with 42 CFR §441.301(b)(1)(ii), waiver services are not furnished to individuals who are inpatients of a hospital, nursing facility or ICF/IID.
- C. **Room and Board.** In accordance with 42 CFR §441.310(a)(2), FFP is not claimed for the cost of room and board except when: (a) provided as part of respite services in a facility approved by the State that is not a private residence or (b) claimed as a portion of the rent and food that may be reasonably attributed to an unrelated caregiver who resides in the same household as the participant, as provided in Appendix I.
- D. **Access to Services.** The State does not limit or restrict participant access to waiver services except as provided in Appendix C.
- E. **Free Choice of Provider.** In accordance with 42 CFR §431.151, a participant may select any willing and qualified provider to furnish waiver services included in the service plan unless the State has received approval to limit the number of providers under the provisions of §1915(b) or another provision of the Act.
- F. **FFP Limitation.** In accordance with 42 CFR §433 Subpart D, FFP is not claimed for services when another third-party (e.g., another third party health insurer or other federal or state program) is legally liable and responsible for the provision and payment of the service. FFP also may not be claimed for services that are available without charge, or as free care to the community. Services will not be considered to be without charge, or free care, when (1) the provider establishes a fee schedule for each service available and (2) collects insurance information from all those served (Medicaid, and non-Medicaid), and bills other legally liable third party insurers. Alternatively, if a provider certifies that a particular legally liable third party insurer does not pay for the service(s), the provider may not generate further bills for that insurer for that annual period.
- G. **Fair Hearing:** The State provides the opportunity to request a Fair Hearing under 42 CFR §431 Subpart E, to individuals: (a) who are not given the choice of home and community-based waiver services as an alternative to institutional level of care specified for this waiver; (b) who are denied the service(s) of their choice or the provider(s) of their choice; or (c) whose services are denied, suspended, reduced or terminated. Appendix F specifies the State's procedures to provide individuals the opportunity to request a Fair Hearing, including providing notice of action as required in 42 CFR §431.210.
- H. **Quality Improvement.** The State operates a formal, comprehensive system to ensure that the waiver meets the assurances and other requirements contained in this application. Through an ongoing process of discovery, remediation and improvement, the State assures the health and welfare of participants by monitoring: (a) level of care determinations; (b) individual plans and services delivery; (c) provider qualifications; (d) participant health and welfare; (e) financial oversight and (f) administrative oversight of the waiver. The State further assures that all problems identified through its discovery processes are addressed in an appropriate and timely manner, consistent with the severity and nature of the problem. During the period that the waiver is in effect, the State will implement the Quality Improvement Strategy specified in Appendix H.
- I. **Public Input.** Describe how the State secures public input into the development of the waiver:

DMS completed extensive public comment with the revision of the waiver. DMS utilized the following methods to educate the public and engage in meaningful public input.

  - 1) Focus Groups-DMS hosted 40 focus groups across the state to speak with stakeholders to get an understanding of the changes that were most impactful to stakeholders.
  - 2) Dedicated Email box-DMS established a widely publicized email box to receive comments and questions from stakeholders at large. DMS has received well over 300 emails to date.

- 3) Email Repository-Established continually updated email list of all stakeholders who contacted DMS with comments or provided an email address through in person meetings.
- 4) Assessment Report-Released an assessment (authored by a contracted entity) of the waivers in a 300+ page report that went into great detail about the climate of the state, nation, and provided 11 recommendations for enhancing the 1915(c) waivers.
- 5) Formal Response- DMS released a formal response that laid out the framework for the redesign of the waivers.
- 6) Town Halls-DMS hosted 10 town halls to educate the public about the recommendations and the plan moving forward. The town halls also allowed for public testimony.
- 7) Public Notice-Released a public notice 30 days prior to release of the waivers. This was posted in all local DCBS offices, posted on the website, shared through social media, and emailed to our email repository
- 8) Draft Releases of Waivers-Released proposed waivers for public review
- 9) Webinar Series-DMS released a series of informative webinars to educate the public about the changes that we heard most public comment on and that would be most impactful to external stakeholders.
- 10) Formal Public Comment-Completed the required 30 day formal public comment period. Providing the option to submit through a) email b) writing c) telephonic.
- 11) FAQ document-DMS published and updated a FAQ document to provide consistent and timely responses to the most frequently asked questions.

- J. **Notice to Tribal Governments.** *The State assures that it has notified in writing all federally-recognized Tribal Governments that maintain a primary office and/or majority population within the State of the State's intent to submit a Medicaid waiver request or renewal request to CMS at least 60 days before the anticipated submission date is provided by Presidential Executive Order 13175 of November 6, 2000. Evidence of the applicable notice is available through the Medicaid Agency.*
- K. **Limited English Proficient Persons.** *The State assures that it provides meaningful access to waiver services by Limited English Proficient persons in accordance with: (a) Presidential Executive Order 13166 of August 11, 2000 (65 FR 50121) and (b) Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003). Appendix B describes how the State assures meaningful access to waiver services by Limited English Proficient persons.*

## 7. Contact Person(s)

- A. *The Medicaid agency representative with whom CMS should communicate regarding the waiver is:*

*Last Name:*

*First Name:*

*Title:*

*Agency:*

*Address:*

*Address 2:*

*City:*

*State:*

*Zip:*

*Phone:*

Ext:

TTY:

Fax:

E-mail:

- B. If applicable, the State operating agency representative with whom CMS should communicate regarding the waiver is:

Last Name:

First Name:

Title:

Agency:

Address:

Address 2:

City:

State:

Zip:

Phone:

Ext:

TTY:

Fax:

E-mail:

## 8. Authorizing Signature

*This document, together with the attached revisions to the affected components of the waiver, constitutes the State's request to amend its approved waiver under §1915(c) of the Social Security Act. The State affirms that it will abide by all provisions of the waiver, including the provisions of this amendment when approved by CMS. The State further attests that it will continuously operate the waiver in accordance with the assurances specified in Section V and the additional requirements specified in Section VI of the approved waiver. The State certifies that additional proposed revisions to the waiver request will be submitted by the Medicaid agency in the form of additional waiver amendments.*

Signature:

State Medicaid Director or Designee

Submission Date:

**Note: The Signature and Submission Date fields will be automatically completed when the State Medicaid Director submits the application.**

Last Name:

First Name:

Title:

Agency:

Address:

Address 2:

City:

State:

Zip:

Phone:

Ext:

TTY:

Fax:

E-mail

## Attachments

### Attachment #1: Transition Plan

Check the box next to any of the following changes from the current approved waiver. Check all boxes that apply.

<input type="checkbox"/>	Replacing an approved waiver with this waiver.
<input type="checkbox"/>	Combining waivers.
<input type="checkbox"/>	Splitting one waiver into two waivers.
<input type="checkbox"/>	Eliminating a service.
<input type="checkbox"/>	Adding or decreasing an individual cost limit pertaining to eligibility
<input type="checkbox"/>	Adding or decreasing limits to a service or a set of services, as specified in Appendix C.
<input type="checkbox"/>	Reducing the unduplicated count of participants (Factor C).
<input type="checkbox"/>	Adding new or decreasing a limitation on the number of participants served at any point in time.
<input type="checkbox"/>	Making any changes that could result in some participants losing eligibility or being transferred to another waiver under 1915(c) or another Medicaid authority.
<input type="checkbox"/>	Making any changes that could result in reduced services to participants.

Specify the transition plan for the waiver:

Not applicable.

### Attachment #2: Home and Community-Based Settings Waiver Transition Plan.

Specify the state's process to bring this waiver into compliance with federal home and community-based (HCB) settings requirements at 42 CFR 441.301(c)(4)-(5), and associated CMS guidance.

Consult with CMS for instructions before completing this item. This field describes the status of a transition process at the point in time of submission. Relevant information in the planning phase will differ from information required to describe attainment of milestones.

To the extent that the state has submitted a statewide HCB settings transition plan to CMS, the description in this field may reference that statewide plan. The narrative in this field must include enough information to demonstrate that this waiver complies with federal HCB settings requirements, including the compliance and transition requirements at 42 CFR 441.301(c)(6), and that this submission is consistent with the portions of

the statewide HCB settings transition plan that are germane to this waiver. Quote or summarize germane portions of the statewide HCB settings transition plan as required. Note that Appendix C-5 HCB Settings describes settings that do not require transition; the settings listed there meet federal HCB setting requirements as of the date of submission. Do not duplicate that information here.

Update this field and Appendix C-5 when submitting a renewal or amendment to this waiver for other purposes. It is not necessary for the state to amend the waiver solely for the purpose of updating this field and Appendix C-5. At the end of the state's HCB settings transition process for this waiver, when all waiver settings meet federal HCB setting requirements, enter "Completed" in this field, and include in Section C-5 the information on all HCB settings in the waiver.

Model II waiver only includes two highly technical services for individuals who are ventilator dependent. The individual must reside in his/her home and all services provided by the waiver must be rendered in the individual's home. The Department for Medicaid Services (DMS) provides assurance that this waiver complies with all setting rules since all services are performed in the individual's home. DMS presumes that each Model II waiver participant's home comports with all HCBS setting rules.

Kentucky assures that the settings transition plan included with this waiver renewal will be subject to any provisions or requirements included in Kentucky's approved Statewide Transition Plan. Kentucky will implement any required changes upon approval of the Statewide Transition Plan and will make conforming changes to its waiver when it submits the next amendment or renewal.

## Additional Needed Information (Optional)

Provide additional needs information for the waiver (optional):

## Appendix A: Waiver Administration and Operation

1. **State Line of Authority for Waiver Operation.** Specify the state line of authority for the operation of the waiver (select one):

<b>X</b>	<b>The waiver is operated by the State Medicaid agency.</b>  <i>Specify the Medicaid agency division/unit that has line authority for the operation of the waiver program (select one):</i>	
		<b>The Medical Assistance Unit</b>  <i>Specify the unit name:</i>
	<b>X</b>	<b>Another division/unit within the State Medicaid agency that is separate from the Medical Assistance Unit.</b>  <i>Specify the division/unit name. This includes administrations/divisions under the umbrella agency that has been identified as the Single State Medicaid Agency:</i>

	Division of Community Alternatives
	<p><b>The waiver is operated by a separate agency of the State that is not a division/unit of the Medicaid agency.</b></p> <p><i>Specify the division/unit name:</i></p>

*In accordance with 42 CFR §431.10, the Medicaid agency exercises administrative discretion in the administration and supervision of the waiver and issues policies, rules and regulations related to the waiver. The interagency agreement or memorandum of understanding that sets forth the authority and arrangements for this policy is available through the Medicaid agency to CMS upon request. (Complete item A-2-b).*

## 2. Oversight of Performance.

- a. **Medicaid Director Oversight of Performance When the Waiver is Operated by another Division/Unit within the State Medicaid Agency.** *When the waiver is operated by another division/administration within the umbrella agency designated as the Single State Medicaid Agency. Specify (a) the functions performed by that division/administration (i.e., the Developmental Disabilities Administration within the Single State Medicaid Agency), (b) the document utilized to outline the roles and responsibilities related to waiver operation, and (c) the methods that are employed by the designated State Medicaid Director (in some instances, the head of umbrella agency) in the oversight of these activities:*

DMS is the sole operating agency of the waiver, however, DMS delegates some operational functions to a sister agency.

DMS has full authority to establish the policies, procedures and documents related to these functions. The sister agency is charged with executing the policies and procedures established by DMS. DMS provides monitoring and oversight of these entities as stipulated in the department's Memorandum of Agreement (MOA), which is reviewed and updated annually.

- b. **Medicaid Agency Oversight of Operating Agency Performance.** *When the waiver is not operated by the Medicaid agency, specify the functions that are expressly delegated through a memorandum of understanding (MOU) or other written document, and indicate the frequency of review and update for that document. Specify the methods that the Medicaid agency uses to ensure that the operating agency performs its assigned waiver operational and administrative functions in accordance with waiver requirements. Also specify the frequency of Medicaid agency assessment of operating agency performance:*

As indicated in section 1 of this appendix, the waiver is not operated by another division/unit within the State Medicaid agency. Thus this section does not need to be completed.

1. **Use of Contracted Entities.** *Specify whether contracted entities perform waiver operational and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable) (select one):*

	<p><b>Yes. Contracted entities perform waiver operational and administrative functions on behalf of the Medicaid agency and/or operating agency (if applicable).</b></p> <p><i>Specify the types of contracted entities and briefly describe the functions that they perform. Complete Items A-5 and A-6.:</i></p>
X	<p><b>No. Contracted entities do not perform waiver operational and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable).</b></p>

1. **Role of Local/Regional Non-State Entities.** *Indicate whether local or regional non-state entities perform waiver operational and administrative functions and, if so, specify the type of entity (Select one):*

X	<p><b>Not applicable</b></p>	
	<p><b>Applicable - Local/regional non-state agencies perform waiver operational and administrative functions.</b></p> <p><i>Check each that applies:</i></p>	
		<p><b>Local/Regional non-state public agencies</b> perform waiver operational and administrative functions at the local or regional level. There is an <b>interagency agreement or memorandum of understanding</b> between the State and these agencies that sets forth responsibilities and performance requirements for these agencies that is available through the Medicaid agency.</p> <p><i>Specify the nature of these agencies and complete items A-5 and A-6:</i></p>
		<p><b>Local/Regional non-governmental non-state entities</b> conduct waiver operational and administrative functions at the local or regional level. There is a contract between the Medicaid agency and/or the operating agency (when authorized by the Medicaid agency) and each local/regional non-state entity that sets forth the responsibilities and performance requirements of the local/regional entity. The <b>contract(s)</b> under which private entities conduct waiver operational functions are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).</p> <p><i>Specify the nature of these entities and complete items A-5 and A-6:</i></p>

2. **Responsibility for Assessment of Performance of Contracted and/or Local/Regional Non-State Entities.** *Specify the state agency or agencies responsible for assessing the performance*

of contracted and/or local/regional non-state entities in conducting waiver operational and administrative functions:

The Department for Medicaid Services (DMS) is responsible for assessing the performance of the contracted entities providing the functions described in section 3 of this appendix.

3. **Assessment Methods and Frequency.** *Describe the methods that are used to assess the performance of contracted and/or local/regional non-state entities to ensure that they perform assigned waiver operational and administrative functions in accordance with waiver requirements. Also specify how frequently the performance of contracted and/or local/regional non-state entities is assessed:*

DMS assesses the performance of the contracted entity continually through policy clarification and reporting as stipulated in the entity contract.

4. **Distribution of Waiver Operational and Administrative Functions.** *In the following table, specify the entity or entities that have responsibility for conducting each of the waiver operational and administrative functions listed (check each that applies):*

*In accordance with 42 CFR §431.10, when the Medicaid agency does not directly conduct a function, it supervises the performance of the function and establishes and/or approves policies that affect the function. All functions not performed directly by the Medicaid agency must be delegated in writing and monitored by the Medicaid Agency.*

*Note: More than one box may be checked per item. Ensure that Medicaid is checked when the Single State Medicaid Agency (1) conducts the function directly; (2) supervises the delegated function; and/or (3) establishes and/or approves policies related to the function.*

<b>Function</b>	<b>Medicaid Agency</b>
<i>Participant waiver enrollment</i>	X
<i>Waiver enrollment managed against approved limits</i>	X
<i>Waiver expenditures managed against approved levels</i>	X
<i>Level of care evaluation</i>	X
<i>Review of Participant service plans</i>	X
<i>Prior authorization of waiver services</i>	X
<i>Utilization management</i>	X
<i>Qualified provider enrollment</i>	X
<i>Execution of Medicaid provider agreements</i>	X
<i>Establishment of a statewide rate methodology</i>	X

<i>Rules, policies, procedures and information development governing the waiver program</i>	X
<i>Quality assurance and quality improvement activities</i>	X

## Appendix A: Waiver Administration and Operations

### Quality Improvement: Administrative Authority of the Since Medicaid Agency

#### a. Methods for Discovery:

Methods for Discovery:	The Medicaid Agency retains ultimate administrative authority and responsibility for the operation of the waiver program by exercising oversight of the performance of waiver functions by other state and local/regional non-state agencies (if appropriate) and contracted entities.					
Sub-assurance:	N/A					
Performance measure:	Percentage of required reports contracted entities provides to DMS within the required timeframes. N=The number of required reports contracted entities provided to DMS within the required timeframes. D=The number of required reports due to DMS within the required timeframes					
Data Source: Reports submitted to DMS						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	State Medicaid Agency		Weekly	X	100% Review
	X	Operating Agency		Monthly		Less than 100% Review  Confidence interval:
		Sub-State Entity	X	Quarterly		Representative Sample  Confidence interval=
	X	Other  Specify: Delegated Entities	X	Annually		Stratified.  Describe Group:
				Continuously and Ongoing		Other  Specify:
				Other  Specify:		

Data Aggregation and Analysis				
	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly
		Operating Agency		Monthly
		Sub-State Entity	X	Quarterly
		Other	X	Annually
		Specify:		Continuously and Ongoing
				Other
				Specify:

<b>Methods for Discovery:</b>	<i>The Medicaid Agency retains ultimate administrative authority and responsibility for the operation of the waiver program by exercising oversight of the performance of waiver functions by other state and local/regional non-state agencies (if appropriate) and contracted entities.</i>
<b>Sub-assurance:</b>	N/A
<b>Performance measure:</b>	Percentage of required reports the operating agencies provides to DMS within the required timeframes. N=the number of reports the operating agencies provided to DMS within the required timeframes. D=The number of required reports the operating agency was required to provide to DMS within the required timeframes.

Data Source: Reports submitted to DMS						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
		State Medicaid Agency		Weekly	X	100% Review
	X	Operating Agency		Monthly		Less than 100% Review Confidence interval:
		Sub-State Entity	X	Quarterly		Representative Sample Confidence interval=
		Other	X	Annually		Stratified.
		Specify:				Describe Group:
				Continuously and Ongoing		Other
				Other		Specify:

				Specify:		
<b>Data Aggregation and Analysis</b>						
	<b>Responsible Party for data aggregation and analysis (check each that applies):</b>			<b>Frequency of data aggregation and analysis (check each that applies):</b>		
	X	State Medicaid Agency			Weekly	
		Operating Agency			Monthly	
		Sub-State Entity		X	Quarterly	
		Other		X	Annually	
		Specify:			Continuously and Ongoing	
					Other	
					Specify:	

<b>Methods for Discovery:</b>	The Medicaid Agency retains ultimate administrative authority and responsibility for the operation of the waiver program by exercising oversight of the performance of waiver functions by other state and local/regional non-state agencies (if appropriate) and contracted entities.					
<b>Sub-assurance:</b>	N/A					
<b>Performance measure:</b>	Provider certification and re-certification by the contracted entity shall be conducted according to an on-going provider schedule. N = Number and percent of provider certifications and recertifications completed in accordance to on-going provider schedule. D = Number and percent of provider certifications and recertifications required to be completed in accordance with schedule.					
<b>Data Source: Provider certification documentation</b>						
	<b>Responsible Party for data collection/generation (check each that applies):</b>		<b>Frequency of data collection/generation (check each that applies):</b>		<b>Sampling Approach (check each that applies)</b>	
	X	State Medicaid Agency		Weekly	X	100% Review
		Operating Agency		Monthly		Less than 100% Review  Confidence interval:
		Sub-State Entity	X	Quarterly		Representative Sample  Confidence interval=
	X	Other  Specify: contracted Entity	X	Annually		Stratified.  Describe Group:

				Continuously and Ongoing		Other
				Other		Specify:
				Specify:		
<b>Data Aggregation and Analysis</b>						
	<b>Responsible Party for data aggregation and analysis (check each that applies):</b>			<b>Frequency of data aggregation and analysis (check each that applies):</b>		
	X	State Medicaid Agency			Weekly	
		Operating Agency			Monthly	
		Sub-State Entity		X	Quarterly	
	X	Other		X	Annually	
		Specify: Delegated entity				
					Continuously and Ongoing	
					Other	
					Specify:	

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

Identified problems are researched and addressed by DMS through the use of generated quarterly reports. DMS monitors to ensure that contract objectives and goals are met as appropriate.

**b. Method for Remediation/Fixing Individual Problems**

- i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.

Should the delegated entity not meet the requirements then a corrective action plan is required and/or a recoupment of funds may occur.

**ii. Remediation Data Aggregation**

**Remediation-related Data Aggregation and Analysis (including trend identification).**

<b>Responsible Party (check each that applies):</b>		<b>Frequency of data aggregation and analysis (check each that applies):</b>	
X	State Medicaid Agency		Weekly
	Operating Agency		Monthly
	Sub-State Entity	X	Quarterly
X	Other	X	Annually
	Specify: Contracted entities		

			<i>Continuously and Ongoing</i>
			<i>Other</i>
			<i>Specify:</i>

**c. Timeline**

**When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Administrative Authority that are currently non-operational.**

<b>X</b>	<b>No</b>
	<b>Yes</b> <i>Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for this operation.</i>

## Appendix B: Participant Access & Eligibility

### Appendix B-1: Specification of the Waiver Target Group(s)

- a. Target Group(s).** *Under the waiver of Section 1902(a)(10)(B) of the Act, the State limits waiver services to one or more groups or subgroups of individuals. Please see the instruction manual for specifics regarding age limits. In accordance with 42 CFR §441.301(b)(6), select one or more waiver target groups, check each of the subgroups in the selected target group(s) that may receive services under the waiver, and specify the minimum and maximum (if any) age of individuals served in each subgroup:*

<b>Target Group</b>		<b>Included</b>	<b>Target SubGroup</b>	<b>Minimum Age</b>	<b>Maximum Age</b>	
					<b>Maximum Age Limit</b>	<b>No Maximum Age Limit</b>
	<i>Aged or disabled, or both – General</i>					
			<i>Aged</i>			
			<i>Disabled (physical)</i>			
			<i>Disabled (other)</i>			
<b>X</b>	<i>Aged or disabled, or both – Specific recognized subgroups</i>					
			<i>Brain Injury</i>			
			<i>HIV/AIDS</i>			
			<i>Medically Fragile</i>			
		<b>X</b>	<i>Technology Dependent</i>	<b>0</b>		<b>X</b>

Target Group		Included	Target SubGroup	Minimum Age	Maximum Age	
					Maximum Age Limit	No Maximum Age Limit
<input type="checkbox"/>	Intellectual Disability or Developmental Disability, or Both					
			Autism			
			Developmental Disability			
			Intellectual Disability			
<input type="checkbox"/>	Mental Illness					
			Mental Illness			
			Serious Emotional Disturbance			

- b. **Additional Criteria.** *The State further specifies its target group(s) as follows:*

Participants must meet the Nursing Facility Level of Care regulation as defined in the 907 KAR 1:022 and are ventilator dependent at least 12 or more hours a day and require 24-hour per day high intensity specialty nursing care or are on an active weaning program ordered by and under the management of a physician.

- c. **Transition of Individuals Affected by Maximum Age Limitation.** *When there is a maximum age limit that applies to individuals who may be served in the waiver, describe the transition planning procedures that are undertaken on behalf of participants affected by the age limit (select one):*

<input checked="" type="checkbox"/>	<b>Not applicable. There is no maximum age limit</b>
<input type="checkbox"/>	<b>The following transition planning procedures are employed for participants who will reach the waiver's maximum age limit.</b>

## Appendix B-2: Individual Cost Limit (1 of 2)

- a. **Individual Cost Limit.** *The following individual cost limit applies when determining whether to deny home and community-based services or entrance to the waiver to an otherwise eligible individual (select one). Please note that a State may have only ONE individual cost limit for the purposes of determining eligibility for the waiver:*

<b>X</b>	<b>No Cost Limit.</b> <i>The State does not apply an individual cost limit. Do not complete Item B-2-b or item B-2-c.</i>	
	<b>Cost Limit in Excess of Institutional Costs.</b> <i>The State refuses entrance to the waiver to any otherwise eligible individual when the State reasonably expects that the cost of the home and community-based services furnished to that individual would exceed the cost of a level of care specified for the waiver up to an amount specified by the State. Complete Items B-2-b and B-2-c.</i>	
	<b>The limit specified by the State is (select one)</b>	
		<b>A level higher than 100% of the institutional average.</b> <i>Specify the percentage:</i>
		<b>Other</b> <i>Specify:</i>
	<b>Institutional Cost Limit.</b> <i>Pursuant to 42 CFR 441.301(a)(3), the State refuses entrance to the waiver to any otherwise eligible individual when the State reasonably expects that the cost of the home and community-based services furnished to that individual would exceed 100% of the cost of the level of care specified for the waiver. Complete Items B-2-b and B-2-c.</i>	
	<b>Cost Limit Lower Than Institutional Costs.</b> <i>The State refuses entrance to the waiver to any otherwise qualified individual when the State reasonably expects that the cost of home and community-based services furnished to that individual would exceed the following amount specified by the State that is less than the cost of a level of care specified for the waiver.</i>  <i>Specify the basis of the limit, including evidence that the limit is sufficient to assure the health and welfare of waiver participants. Complete Items B-2-b and B-2-c.</i>	
	<b>The cost limit specified by the State is (select one):</b>	
		<b>The following dollar amount:</b> <i>Specify dollar amount:</i>
	<b>The dollar amount (select one)</b>	
		<b>Is adjusted each year that the waiver is in effect by applying the following formula:</b> <i>Specify the formula:</i>
		<b>May be adjusted during the period the waiver is in effect. The State will submit a waiver amendment to CMS to adjust the dollar amount.</b>
		<b>The following percentage that is less than 100% of the institutional average:</b> <i>Specify percent:</i>
		<b>Other:</b> <i>Specify:</i>

## Appendix B-2: Individual Cost Limit (2 of 2)

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*Answers provided in Appendix B-2 -a indicate that you do not need to complete this section.*

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## Appendix B-3: Number of Individuals Served (1 of 4)

- a. Unduplicated Number of Participants.** *The following table specifies the maximum number of unduplicated participants who are served in each year that the waiver is in effect. The State will submit a waiver amendment to CMS to modify the number of participants specified for any year(s), including when a modification is necessary due to legislative appropriation or another reason. The number of unduplicated participants specified in this table is basis for the cost-neutrality calculations in Appendix J:*

**Table: B-3-a**

<b>Waiver Year</b>	<b>Unduplicated Number of Participants</b>
Year 1	100
Year 2	100
Year 3	100
Year 4	100
Year 5	100

- b. Limitation on the Number of Participants Served at Any Point in Time.** *Consistent with the unduplicated number of participants specified in Item B-3-a, the State may limit to a lesser number the number of participants who will be served at any point in time during a waiver year. Indicate whether the State limits the number of participants in this way: (select one):*

<b>X</b>	<b><i>The State does not limit the number of participants that it serves at any point in time during a waiver year.</i></b>
	<b><i>The State limits the number of participants that it serves at any point in time during a waiver year.</i></b>

*The limit that applies to each year of the waiver period is specified in the following table:*

**Table: B-3-b**

<b>Waiver Year</b>	<b>Maximum Number of Participants Served At Any Point During the Year</b>
Year 1	N/A
Year 2	N/A

Year 3	N/A
Year 4	N/A
Year 5	N/A

## Appendix B-3: Number of Individuals Served (2 of 4)

- c. **Reserved Waiver Capacity.** *The State may reserve a portion of the participant capacity of the waiver for specified purposes (e.g., provide for the community transition of institutionalized persons or furnish waiver services to individuals experiencing a crisis) subject to CMS review and approval. The State (select one):*

<b>X</b>	<b><i>Not applicable. The state does not reserve capacity.</i></b>		
	<b><i>The State reserves capacity for the following purpose(s).</i></b>		
	<i>Purpose(s) the State reserves capacity for:</i>		
	<i>Purpose (provide a little or short description to use for lookup):</i>		
	<i>Purpose (describe):</i>		
	<i>Describe how the amount of reserved capacity was determined:</i>		
	<i>The Capacity that the state reserves in each waiver year is specified in the following table:</i>	Year 1	
		Year 2	
		Year 3	
Year 4			
Year 5			

## Appendix B-3: Number of Individuals Served (3 of 4)

- d. **Scheduled Phase-In or Phase-Out.** *Within a waiver year, the State may make the number of participants who are served subject to a phase-in or phase-out schedule (select one):*

<b>X</b>	<b><i>The waiver is not subject to a phase-in or a phase-out schedule.</i></b>
	<b><i>The waiver is subject to a phase-in or phase-out schedule that is included in Attachment #1 to Appendix B-3. This schedule constitutes an intra-year limitation on the number of participants who are served in the waiver.</i></b>

**e. Allocation of Waiver Capacity.** *Select one:*

<b>X</b>	<b>Waiver capacity is allocated/managed on a statewide basis.</b>
	<b>Waiver capacity is allocated to local/regional non-state entities.</b>
	<i>Specify: (a) the entities to which waiver capacity is allocated; (b) the methodology that is used to allocate capacity and how often the methodology is reevaluated; and, (c) policies for the reallocation of unused capacity among local/regional non-state entities:</i>

**f. Selection of Entrants to the Waiver.** *Specify the policies that apply to the selection of individuals for entrance to the waiver:*

The waiver provides for the entrance of all eligible participants until maximum capacity is reached.
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## Appendix B-3: Number of Individuals Served (4 of 4)

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*Answers provided in Appendix B-3-d indicate that you do not need to complete this section.*

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## Appendix B-4: Eligibility Groups Served in the Waiver

**a.**

**1. State Classification.** *The State is a (select one):*

<b>X</b>	<b>§1634 State</b>
	<b>SSI Criteria State</b>
	<b>209(b) State</b>

**2. Miller Trust State.** *Indicate whether the State is a Miller Trust State (select one):*

	<b>No</b>
<b>X</b>	<b>Yes</b>

**b. Medicaid Eligibility Groups Served in the Waiver.** *Individuals who receive services under this waiver are eligible under the following eligibility groups contained in the State plan. The State applies all applicable federal financial participation limits under the plan. Check all that apply:*

*Eligibility Groups Served in the Waiver (excluding the special home and community-based waiver group under 42 CFR 435.217)*

	<b>Low income families with children as provided in §1931 of the Act</b>	
<b>X</b>	<b>SSI recipients</b>	
	<b>Aged, blind or disabled in 209(b) states who are eligible under 42 CFR §435.121</b>	
	<b>Optional State supplement recipients</b>	
	<b>Optional categorically needy aged and/or disabled individuals who have income at:</b> <i>Select one:</i>	
		<b>100% of the Federal poverty level (FPL)</b>
		<b>% of FPL, which is lower than 100% of FPL.</b> <i>Specify percentage:</i>
	<b>Working individuals with disabilities who buy into Medicaid (BBA working disabled group as provided in §1902(a)(10)(A)(ii)(XIII)) of the Act</b>	
	<b>Working individuals with disabilities who buy into Medicaid (TWWIIA Basic Coverage Group as provided in §1902(a)(10)(A)(ii)(XV) of the Act)</b>	
	<b>Working individuals with disabilities who buy into Medicaid (TWWIIA Medical Improvement Coverage Group as provided in §1902(a)(10)(A)(ii)(XVI) of the Act)</b>	
	<b>Disabled individuals age 18 or younger who would require an institutional level of care (TEFRA 134 eligibility group as provided in §1902(e)(3) of the Act)</b>	
	<b>Medically needy in 209(b) States (42 CFR §435.330)</b>	
<b>X</b>	<b>Medically needy in 1634 States and SSI Criteria States (42 CFR §435.320, §435.322 and §435.324)</b>	
<b>X</b>	<b>Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the State plan that may receive services under this waiver)</b> <i>Specify: The federal regulatory criteria for eligibility groups that are covered under the State Medicaid Plan that the state proposes to include under this waiver renewal includes:</i> 42 CFR 435:110 Parents and other caregiver relatives 42 CFR 435:116 Pregnant Women; and 42 CFR 435:118 Children	

**Special home and community-based waiver group under 42 CFR §435.217)** Note: When the special home and community-based waiver group under 42 CFR §435.217 is included, Appendix B-5 must be completed

	<b>No. The State does not furnish waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217. Appendix B-5 is not submitted.</b>
<b>X</b>	<b>Yes. The State furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217.</b>

Select one and complete Appendix B-5.

		<b>All individuals in the special home and community-based waiver group under 42 CFR §435.217.</b>	
	<b>X</b>	<b>Only the following groups of individuals in the special home and community-based waiver group under 42 CFR §435.217</b> <i>Check each that applies:</i>	
		<b>X</b>	<b>A special income level equal to:</b> <i>Select one:</i>
		<b>X</b>	<b>300% of the SSI Federal Benefit Rate (FBR)</b>
			<b>A percentage of FBR, which is lower than 300% (42 CFR §435.236)</b> <i>Specify percentage:</i>
			<b>A dollar amount which is lower than 300%.</b> <i>Specify dollar amount:</i>
			<b>Aged, blind and disabled individuals who meet requirements that are more restrictive than the SSI program (42 CFR §435.121)</b>
			<b>Medically needy without spenddown in States which also provide Medicaid to recipients of SSI (42 CFR §435.320, §435.322 and §435.324)</b>
			<b>Medically needy without spend down in 209(b) States (42 CFR §435.330)</b>
			<b>Aged and disabled individuals who have income at:</b> <i>Select one:</i>
			<b>100% of FPL</b>
			<b>% of FPL, which is lower than 100%.</b> <i>Specify percentage amount:</i>

		<p><b>Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the State plan that may receive services under this waiver)</b></p> <p><i>Specify:</i></p>
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## Appendix B-5: Post-Eligibility Treatment of Income (1 of 7)

*In accordance with 42 CFR §441.303(e), Appendix B-5 must be completed when the State furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217, as indicated in Appendix B-4. Post-eligibility applies only to the 42 CFR §435.217 group.*

- a. Use of Spousal Impoverishment Rules.** *Indicate whether spousal impoverishment rules are used to determine eligibility for the special home and community-based waiver group under 42 CFR §435.217:*

*Note: For the five-year period beginning January 1, 2014, the following instructions are mandatory. The following box should be checked for all waivers that furnish waiver services to the 42 CFR §435.217 group effective at any point during this time period.*

<b>X</b>	<p><b>Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group. In the case of a participant with a community spouse, the State uses spousal post-eligibility rules under §1924 of the Act.</b></p> <p><i>Complete Items B-5-e (if the selection for B-4-a-i is SSI State or §1634) or B-5-f (if the selection for B-4-a-i is 209b State) and Item B-5-g unless the state indicates that it also uses spousal post-eligibility rules for the time periods before January 1, 2014 or after December 31, 2018.</i></p> <p><i>Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018 (select one).</i></p>	
<b>X</b>	<p><b>Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group.</b></p> <p><i>In the case of a participant with a community spouse, the State elects to (select one):</i></p>	
	<b>X</b>	<p><b>Use spousal post-eligibility rules under §1924 of the Act.</b></p> <p><i>(Complete Item B-5-b (SSI State) and Item B-5-d)</i></p>
		<p><b>Use regular post-eligibility rules under 42 CFR §435.726 (SSI State) or under §435.735 (209b State)</b></p> <p><i>(Complete Item B-5-b (SSI State). Do not complete Item B-5-d)</i></p>
	<p><b>Spousal impoverishment rules under §1924 of the Act are not used to determine eligibility of individuals with a community spouse for the special home and community-based waiver group. The State uses regular post-eligibility rules for individuals with a community spouse.</b></p> <p><i>(Complete Item B-5-b (SSI State). Do not complete Item B-5-d)</i></p>	

## Appendix B-5: Post-Eligibility Treatment of Income (2 of 7)

*Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.*

- b. Regular Post-Eligibility Treatment of Income: SSI State.** *The State uses the post-eligibility rules at 42 CFR 435.726 for individuals who do not have a spouse or have a spouse who is not a community spouse as specified in §1924 of the Act. Payment for home and community-based waiver services is reduced by the amount remaining after deducting the following allowances and expenses from the waiver participant's income:*

**i. Allowance for the needs of the waiver participant (select one):**

<b>X</b>	<b>The following standard included under the State plan</b> <i>Select one:</i>	
		<b>SSI standard</b>
		<b>Optional State supplement standard</b>
		<b>Medically needy income standard</b>
	<b>X</b>	<b>The special income level for institutionalized persons</b> <i>(select one):</i>
	<b>X</b>	<b>300% of the SSI Federal Benefit Rate (FBR)</b>
		<b>A percentage of the FBR, which is less than 300%</b> <i>Specify the percentage:</i>
		<b>A dollar amount which is less than 300%.</b> <i>Specify dollar amount:</i>
		<b>A percentage of the Federal poverty level</b> <i>Specify percentage:</i>
		<b>Other standard included under the State Plan</b> <i>Specify:</i>
	<b>The following dollar amount</b> <i>Specify dollar amount:</i>	
	<b>The following formula is used to determine the needs allowance:</b> <i>Specify:</i>	
	<b>Other</b> <i>Specify:</i>	

**ii. Allowance for the spouse only (select one):**

<b>X</b>	<b>Not Applicable</b>
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	<b>The state provides an allowance for a spouse who does not meet the definition of a community spouse in §1924 of the Act. Describe the circumstances under which this allowance is provided:</b> <i>Specify:</i>	
	<b>Specify the amount of the allowance (select one):</b>	
		<b>SSI standard</b>
		<b>Optional State supplement standard</b>
	<b>X</b>	<b>Medically needy income standard</b>
		<b>The following dollar amount:</b> <i>Specify dollar amount:</i>
		<b>The amount is determined using the following formula:</b> <i>Specify:</i>

**iii. Allowance for the family (select one):**

	<b>Not Applicable (see instructions)</b>
	<b>AFDC need standard</b>
<b>X</b>	<b>Medically needy income standard</b>
	<b>The following dollar amount:</b> <i>Specify dollar amount: ____ The amount specified cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the State's approved AFDC plan or the medically needy income standard established under 42 CFR §435.811 for a family of the same size. If this amount changes, this item will be revised.</i>
	<b>The amount is determined using the following formula:</b> <i>Specify:</i>
	<b>Other</b> <i>Specify:</i>

**iv. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 §CFR 435.726:**

- a. *Health insurance premiums, deductibles and co-insurance charges*
- b. *Necessary medical or remedial care expenses recognized under State law but not covered under the State's Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses.*

*Select one:*

	<b>Not Applicable (see instructions)</b> <i>Note: If the State protects the maximum amount for the waiver participant, not applicable must be selected.</i>
--	---

<b>X</b>	<b>The State does not establish reasonable limits.</b>
	<b>The State establishes the following reasonable limits</b> <i>Specify:</i>

## Appendix B-5: Post-Eligibility Treatment of Income (3 of 7)

### c. **Regular Post-Eligibility Treatment of Income: 209(B) State.**

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*Answers provided in Appendix B-4 indicate that you do not need to complete this section and therefore this section is not visible.*

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## Appendix B-5: Post-Eligibility Treatment of Income (4 of 7)

*Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.*

- d. **Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules.** *The State uses the post-eligibility rules of §1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care if it determines the individual's eligibility community spouse's allowance and a family allowance as specified in the State Medicaid Plan. The State must also protect amounts for incurred expenses for medical or remedial care (as specified below).*

### **i. Allowance for the personal needs of the waiver participant**

	<b>SSI standard</b>
	<b>Optional State supplement standard</b>
	<b>Medically needy income standard</b>
	<b>The special income level for institutionalized persons</b>
	<b>A percentage of the Federal poverty level</b> <i>Specify percentage:</i>
	<b>The following dollar amount:</b> <i>Specify dollar amount: If this amount changes, this item will be revised</i>
<b>X</b>	<b>The following formula is used to determine the needs allowance:</b> <i>Specify formula: 300% of SSI Standard plus the \$20 General Exclusion</i>
	<b>Other</b> <i>Specify:</i>

**ii. If the allowance for the personal needs of a waiver participant with a community spouse is different from the amount used for the individual's maintenance allowance under 42 CFR §435.726 or 42 CFR §435.735, explain why this amount is reasonable to meet the individual's maintenance needs in the community.**

Select one:

<b>X</b>	<b>Allowance is the same</b>
	<b>Allowance is different.</b>

Explanation of difference:

**iii. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 CFR §435.726:**

- a. Health insurance premiums, deductibles and co-insurance charges
- b. Necessary medical or remedial care expenses recognized under State law but not covered under the State's Medicaid plan, subject to reasonable limits that the State may establish on the amounts of these expenses.

Select one:

	<b>Not Applicable (see instructions)</b> Note: If the State protects the maximum amount for the waiver participant, no applicable must be selected.
<b>X</b>	<b>The State does not establish reasonable limits.</b>
	<b>The State uses the same reasonable limits as are used for regular (non-spousal) post-eligibility.</b>

## Appendix B-5: Post-Eligibility Treatment of Income (5 of 7)

Note: The following selections apply for the five-year period beginning January 1, 2014.

**e. Regular Post-Eligibility Treatment of Income: §1634 State - 2014 through 2018.**

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Answers provided in Appendix B-5-a indicate that you do not need to complete this section and therefore this section is not visible.

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## Appendix B-5: Post-Eligibility Treatment of Income (6 of 7)

Note: The following selections apply for the five-year period beginning January 1, 2014.

**f. Regular Post-Eligibility Treatment of Income: 209(B) State - 2014 through 2018.**

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Answers provided in Appendix B-5-a indicate that you do not need to complete this section and therefore this section is not visible.

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## Appendix B-5: Post-Eligibility Treatment of Income (7 of 7)

*Note: The following selections apply for the five-year period beginning January 1, 2014.*

### **g. Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules - 2014 through 2018.**

*The State uses the post-eligibility rules of §1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care. There is deducted from the participant's monthly income a personal needs allowance (as specified below), a community spouse's allowance and a family allowance as specified in the State Medicaid Plan. The State must also protect amounts for incurred expenses for medical or remedial care (as specified below).*

---

*Answers provided in Appendix B-5-a indicate that you do not need to complete this section and therefore this section is not visible.*

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## Appendix B-6: Evaluation/Reevaluation of Level of Care

*As specified in 42 CFR §441.302(c), the State provides for an evaluation (and periodic reevaluations) of the need for the level(s) of care specified for this waiver, when there is a reasonable indication that an individual may need such services in the near future (one month or less), but for the availability of home and community-based waiver services.*

- a. Reasonable Indication of Need for Services.** *In order for an individual to be determined to need waiver services, an individual must require: (a) the provision of at least one waiver service, as documented in the service plan, and (b) the provision of waiver services at least monthly or, if the need for services is less than monthly, the participant requires regular monthly monitoring which must be documented in the service plan. Specify the State's policies concerning the reasonable indication of the need for services:*

### **i. Minimum number of services.**

*The minimum number of waiver services (one or more) that an individual must require in order to be determined to need waiver services is:*

1
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### **ii. Frequency of services.** *The State requires (select one):*

X	The provision of waiver services at least monthly
	Monthly monitoring of the individual when services are furnished on a less than monthly basis
	If the State also requires a minimum frequency for the provision of waiver services other than monthly (e.g., quarterly), specify the frequency:

- b. Responsibility for Performing Evaluations and Reevaluations.** *Level of care evaluations and reevaluations are performed (select one):*

	<b>Directly by the Medicaid agency</b>
	<b>By the operating agency specified in Appendix A</b>
<b>X</b>	<b>By an entity under contract with the Medicaid agency.</b> <i>Specify:</i> Service entity
	<b>Other</b> <i>Specify:</i>

- c. Qualifications of Individuals Performing Initial Evaluation:** *Per 42 CFR §441.303(c)(1), specify the educational/professional qualifications of individuals who perform the initial evaluation of level of care for waiver applicants:*

Registered Nurses licensed by the Kentucky Board of Nursing.

- d. Level of Care Criteria.** *Fully specify the level of care criteria that are used to evaluate and reevaluate whether an individual needs services through the waiver and that serve as the basis of the State's level of care instrument/tool. Specify the level of care instrument/tool that is employed. State laws, regulations, and policies concerning level of care criteria and the level of care instrument/tool are available to CMS upon request through the Medicaid agency or the operating agency (if applicable), including the instrument/tool utilized*

Participants will be determined by DMS to be eligible for the waiver if the participant:

- 1) Has medical care needs which can be met in a community-based setting;
- 2) Meets nursing facility (NF) level of care requirements as defined in [Insert KAR];
- 3) Be ventilator dependent for twelve hours (12) or more daily;
- 4) Has service needs which can be met through community based services;
- 5) Would, without waiver services, be admitted by a physician's order to a NF; and
- 6) Meet the target group definitions described in section B-1-a.

DMS will utilize clinical documentation and verification to determine level of care. DMS will also utilize the DMS approved functional assessment tool to support development of the Person Centered Service Plan (PCSP) as defined in Appendix D of this waiver application.

- e. Level of Care Instrument(s).** *Per 42 CFR §441.303(c)(2), indicate whether the instrument/tool used to evaluate level of care for the waiver differs from the instrument/tool used to evaluate institutional level of care (select one):*

	<b>The same instrument is used in determining the level of care for the waiver and for institutional care under the State Plan.</b>
<b>X</b>	<b>A different instrument is used to determine the level of care for the waiver than for institutional care under the State plan.</b>

*Describe how and why this instrument differs from the form used to evaluate institutional level of care and explain how the outcome of the determination is reliable, valid, and fully comparable.*

The tool used for institutional care does not reflect the person's community, home or environmental support systems. The criteria used by the waiver to determine the level of care (LOC) better reflects the supports a participant needs to say in their home.

The waiver uses level of care (LOC) criteria as specified in [insert KAR]. The determination is made through a review of documentation submitted by the participant at the time of application, including clinical documentation and verification stating the applicant requires institutionalization if they do not receive 1915(c) waiver services and explaining how the applicant's condition affects functional ability.

Additionally, applicants may be asked to submit other documents and/or medical records supporting the need for 1915(c) waiver services.

- f. Process for Level of Care Evaluation/Reevaluation:** *Per 42 CFR §441.303(c)(1), describe the process for evaluating waiver applicants for their need for the level of care under the waiver. If the reevaluation process differs from the evaluation process, describe the differences:*

In order to be considered for 1915(c) waiver services, all applicants must apply using the DMS-approved system and must submit clinical documentation and verification. In addition to stating the applicant would require institutionalization if they did not have 1915(c) waiver services, the documentation must include physician's order verifying ventilator usage for 12 hours or more per day. The applicant may also be required to submit other documents and/or medical records supporting the need for 1915(c) waiver services. Once DMS receives the application, it is evaluated using the following process:

1. The application is reviewed for the targeted waiver(s).
2. The application is reviewed for level of care.
3. Once it is determined the applicant meets level of care, DMS reserves capacity for the participant and notifies them to pick a case manager via a letter. The letter includes a number for the DMS Waiver Help Desk, where the participant can receive assistance in picking a case manager if needed. If there is no open slot in the waiver, the participant is placed on a waiting list until a slot becomes available.
4. After the applicant's slot is reserved, the Department for Community Based Services (DCBS) reviews the applicant's case and determines if they meet financial eligibility requirements for 1915(c) waiver services. For applicants on a waiting list, this financial eligibility determination will not take place until they receive a slot in the waiver. If financial eligibility is denied, the slot is forfeited and the applicant may appeal their financial eligibility determination through DCBS.
5. Once financial eligibility is met, the applicant undergoes a functional assessment conducted by the appropriate entity. The functional assessment determines the applicant's service needs, which is used to develop the person-centered service plan (PCSP).

For applicants who have been on a waiver waiting list for more than three hundred sixty-five (365) days, new clinical documentation and verifications will need to be submitted once a slot is reserved for them on the waiver. Applicants who qualify for multiple waivers can choose to begin services on a waiver with available slots while they are on the waiting list for another waiver. Clinical documentation and verification is not required upon re-evaluation. A functional assessment will be conducted yearly to verify the need for continued supports.

- g. Reevaluation Schedule.** *Per 42 CFR §441.303(c)(4), reevaluations of the level of care required by a participant are conducted no less frequently than annually according to the following schedule (select one):*

	<b>Every three months</b>
<b>X</b>	<b>Every six months</b>
	<b>Every twelve months</b>
	<b>Other schedule</b> <i>Specify the other schedule:</i>

- h. Qualifications of Individuals Who Perform Reevaluations.** *Specify the qualifications of individuals who perform reevaluations (select one):*

<b>X</b>	<b>The qualifications of individuals who perform reevaluations are the same as individuals who perform initial evaluations.</b>
	<b>The qualifications are different.</b> <i>Specify the qualifications:</i>

- i. Procedures to Ensure Timely Reevaluations.** *Per 42 CFR §441.303(c)(4), specify the procedures that the State employs to ensure timely reevaluations of level of care (specify):*

A task is sent to the functional assessor electronically through the DMS-approved system sixty (60) calendar days prior to the re-evaluation due date. The task remains on the assessor's dashboard until completed or the program is closed.

- j. Maintenance of Evaluation/Reevaluation Records.** *Per 42 CFR §441.303(c)(3), the State assures that written and/or electronically retrievable documentation of all evaluations and reevaluations are maintained for a minimum period of 3 years as required in 45 CFR §92.42. Specify the location(s) where records of evaluations and reevaluations of level of care are maintained:*

Copies of evaluations are retained in the DMS approved system until after the participant's termination and then maintained electronically for five (5) years.

## Appendix B-7: Freedom of Choice

**Freedom of Choice.** *As provided in 42 CFR 441.302(d), when an individual is determined to be likely to require a level of care for this waiver, the individual or his or her legal representative is:*

- i. informed of any feasible alternatives under the waiver; and*
- ii. given the choice of either institutional or home and community-based services.*

- a. Procedures.** *Specify the State's procedures for informing eligible individuals (or their legal representatives) of the feasible alternatives available under the waiver and allowing these individuals to choose either institutional or waiver services. Identify the form(s) that are employed to document freedom of choice. The form or forms are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).*

All waiver participants are informed of their choice of institutional care or waiver programs and available services by their case manager (CM). This information is provided at the initial person-centered planning

meeting and at least annually thereafter. An electronic copy of this signed form is retained in the DMS-approved system.

- b. Maintenance of Forms.** *Per 45 CFR §92.42, written copies or electronically retrievable facsimiles of Freedom of Choice forms are maintained for a minimum of three years. Specify the locations where copies of these forms are maintained.*

Copies of evaluations are retained in DMS approved system until after the participant's termination and then maintained electronically for five (5) years.

## Appendix B-8: Access to Services by Limited English Proficient Persons

**Access to Services by Limited English Proficient Persons.** *Specify the methods that the State uses to provide meaningful access to the waiver by Limited English Proficient persons in accordance with the Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003):*

All Kentucky Medicaid providers are required to provide effective language access services to Medicaid participants who are limited in their English proficiency (LEP). Specific procedures for assuring LEP access may vary by provider, but are required to address assessment of the language needs of participants served by the provider, provision of interpreter services at no cost to the participants, and staff training. Provider procedures for assuring LEP access are ensured through routine interaction and monitoring. When the State learns of a participant needing assistance, staff consult with the participant, case manager and the service provider to determine the type of assistance needed and may require additional activities on the part of the provider to ensure the appropriate translation services are available to the participant.

As indicated in Appendix A, Waiver Administration and Operation, of this application, DMS contracts with several entities to perform some waiver functions. All of these entities are required, through contract, to comply with Federal standards regarding the provision of language services to improve access to their programs and activities for participants who are limited in their English proficiency. Contractors' language services must be consistent with Federal requirements, include a method of identifying LEP-participants, and provide language assistance measures including interpretation and translation, staff training, providing notice to LEP participants, and monitoring compliance and updating procedures.

The Cabinet for Health and Family Services (CHFS) has established a Language Access Section to assist all Cabinet organizational units, including DMS, in effectively communicating with LEP participants, as well as complying with Federal requirements. The Language Access Section has qualified interpreters on staff, maintains a listing of qualified interpreters for use by CHFS units and contractors throughout the state, contracts with a telephone interpretation service for use by CHFS units and contractors when appropriate, provides translation services for essential program forms and documents, establishes policies and procedures applicable to CHFS, and provides technical assistance to CHFS units as needed. Procedures employed by individual departments and units (i.e. DMS) include posting multi-lingual signs in waiting areas to explain that interpreters will be provided at no cost; using "I Speak" cards or a telephone language identification service to help identify the primary language of LEP participants at first contact; recording the primary language of each LEP individual served; providing interpretation services at no cost to the participant served; staff training; and monitoring of staff offices and contractors.

## Appendix B: Evaluation/Reevaluation of Level of Care

### Quality Improvement: Level of Care

- a. Methods for Discovery:**

<b>Methods for Discovery:</b>	<i>The State demonstrates that it implements the processes and instrument(s) specified in its approved waiver for evaluating/reevaluating an applicant's/waiver participant's level of care consistent with care provided in a hospital, NF, or ICF/ID-DD</i>
<b>Sub-assurance:</b>	<i>An evaluation for LOC is provided to all applicants for whom there is reasonable indication that services may be needed in the future.</i>
<b>Performance measure:</b>	Percent of new enrollees who had a level of care evaluation indicating need for institutional level of care prior to receipt of services. N= Number of new enrollees who had a level of care indicating need for institutional level of care prior to receipt of services. D= Number of new waiver participants

**Data Source: Waiver enrollment data**

Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
X	State Medicaid Agency		Weekly		100% Review
	Operating Agency		Monthly	X	Less than 100% Review  Confidence interval: 95%
	Sub-State Entity	X	Quarterly		Representative Sample  Confidence interval=
	Other  Specify:	X	Annually		Stratified.  Describe Group:
			Continuously and Ongoing		Other  Specify:
			Other  Specify:		

**Data Aggregation and Analysis**

		Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly
		Operating Agency		Monthly
		Sub-State Entity	X	Quarterly
		Other	X	Annually
		Specify:		
				Continuously and Ongoing
				Other
				Specify:

<b>Methods for Discovery:</b>	<i>The State demonstrates that it implements the processes and instrument(s) specified in its approved waiver for evaluating/reevaluating an applicant's/waiver participant's level of care consistent with care provided in a hospital, NF, or ICF/ID-DD</i>				
<b>Sub-assurance:</b>	<i>An evaluation for LOC is provided to all applicants for whom there is reasonable indication that services may be needed in the future.</i>				
<b>Performance measure:</b>	Percent of waiver participants who received a redetermination of level of care within 6 months of their initial or last level of care determination. N= The number of waiver participants who received a redetermination of level of care. D= The number of waiver participants who should have received a redetermination of level of care determination.				
<b>Data Source: Waiver enrollment data</b>					
	<b>Responsible Party for data collection/generation (check each that applies):</b>		<b>Frequency of data collection/generation (check each that applies):</b>		<b>Sampling Approach (check each that applies)</b>
	X	State Medicaid Agency		Weekly	100% Review
		Operating Agency		Monthly	X Less than 100% Review  Confidence interval: 95%
		Sub-State Entity	X	Quarterly	Representative Sample  Confidence interval=
		Other Specify:	X	Annually	Stratified.  Describe Group:
				Continuously and Ongoing	Other Specify:
				Other Specify:	
<b>Data Aggregation and Analysis</b>					
	<b>Responsible Party for data aggregation and analysis (check each that applies):</b>			<b>Frequency of data aggregation and analysis (check each that applies):</b>	
	X	State Medicaid Agency		Weekly	
		Operating Agency		Monthly	
		Sub-State Entity	X	Quarterly	
		Other Specify:	X	Annually	
				Continuously and Ongoing	
				Other	

				Specify:
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<b>Methods for Discovery:</b>	<i>The State demonstrates that it implements the processes and instrument(s) specified in its approved waiver for evaluating/reevaluating an applicant's/waiver participant's level of care consistent with care provided in a hospital, NF, or ICF/ID-DD</i>
<b>Sub-assurance:</b>	<i>The processes and instruments described in the approved waiver are applied appropriately and according to the approved description to determine initial participant level of care</i>
<b>Performance measure:</b>	Percent of waiver participants reviewed by delegated entity whose initial or subsequent level of care was appropriately determined as required by the state. N= Number of randomly selected waiver participants whose level of care was done appropriately. D= Total number of levels of care reviewed.

<b>Data Source: Level of care documentation</b>						
	<b>Responsible Party for data collection/generation (check each that applies):</b>		<b>Frequency of data collection/generation (check each that applies):</b>		<b>Sampling Approach (check each that applies)</b>	
	X	State Medicaid Agency		Weekly		100% Review
		Operating Agency		Monthly	X	Less than 100% Review  Confidence interval: 95%
		Sub-State Entity	X	Quarterly		Representative Sample  Confidence interval=
		Other Specify:	X	Annually		Stratified.  Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		

<b>Data Aggregation and Analysis</b>				
	<b>Responsible Party for data aggregation and analysis (check each that applies):</b>		<b>Frequency of data aggregation and analysis (check each that applies):</b>	
	X	State Medicaid Agency		Weekly
		Operating Agency		Monthly
		Sub-State Entity	X	Quarterly
		Other Specify:	X	Annually
				Continuously and Ongoing
				Other

				Specify:
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ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

Assessment services include a comprehensive initial functional assessment which shall be conducted by the assessor within the appropriate days of receipt of the request for the assessment. DMS receives monthly reports that note when waiver participants are transitioning into the state's Managed Care Option. This would indicate to DMS that the participant's waiver information may be incorrect or incomplete. DMS will also receive a monthly report of reassessments that were not completed within the appropriate period to allow for identification of issues.

**b. Method for Remediation/Fixing Individual Problems**

- i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.

DMS addresses problems as discovered through the generated reports noted above. The Division of Community Alternatives will review the reports and provide remediation activities as needed.

**ii. Remediation Data Aggregation**

**Remediation-related Data Aggregation and Analysis (including trend identification).**

Responsible Party (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
X	State Medicaid Agency		Weekly
	Operating Agency		Monthly
	Sub-State Entity	X	Quarterly
	Other	X	Annually
	Specify:		
			Continuously and Ongoing
			Other
			Specify:

**c. Timeline**

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Level of Care that are currently non-operational.

X	No
	Yes Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for this operation.

## Appendix C: Participant Services

### C-1: Summary of Services Covered (1 of 2)

- a. **Waiver Services Summary.** List the services that are furnished under the waiver in the following table. If case management is not a service under the waiver, complete items C-1-b and C-1-c.

Service Type	Service
Other Service	Skilled Services by an LPN
Other Service	Skilled Services by an RN
Other Service	Skilled Services by an RT

### C-1/C-3: Service Specification

<b>Service Type:</b>	Other Service			
<b>Service Name:</b>	Skilled Services by a Licensed Practical Nurse (LPN)			
<b>Alternative Service Title (if any):</b>				
<b>HCBS Taxonomy:</b>	<b>Category 1:</b>	05 Nursing	<b>Sub-Category 1:</b>	05020 skilled nursing
	<b>Category 2:</b>		<b>Sub-Category 3:</b>	
	<b>Category 3:</b>		<b>Sub-Category 3:</b>	
	<b>Category 4:</b>		<b>Sub-Category 4:</b>	
<b>Service Definition (Scope):</b>	<p>Skilled nursing services by an LPN are defined as the provision of medically necessary complex skilled nursing care in the home by an LPN. The purpose is to assess, monitor, and provide skilled nursing care as defined in KRS 314.011 in the home on an hourly basis. Services must be skilled and non-custodial in nature.</p> <p>Skilled services by an LPN must be prior authorized.</p>			
<b>Specify applicable (if any) limits on the amount, frequency, or duration of this service:</b>	Reimbursement shall be based on a fixed fee for a unit of service provided. A unit of service is fifteen (15) minutes.			
<b>Service Delivery Method:</b>		<b>Participant-directed as specified in Appendix E</b>		
	X	<b>Provider managed</b>		

Specify whether the service may be provided by (check each that applies):		Legally Responsible Person
		Relative
		Legal Guardian
<b>Provider Specifications:</b>		
<b>Provider Category</b>		<b>Provider Type Title</b>
Agency		Home Health Agency
Agency		Private Duty Nursing Agency

### C-1/C-3: Provider Specifications for Service

Provider Specification		
<b>Provider Category:</b>	Agency	
<b>Provider Type:</b>	Home Health Agency	
<b>Provider Qualifications:</b>	<b>License (specify):</b>	by OIG 902 KAR 20:081
	<b>Certificate (specify):</b>	Certified by DMS or its designee
	<b>Other Standard (specify):</b>	<p>The agency must meet certified waiver provider qualifications as defined in [insert KAR here].</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> <li>• A licensed practical nurse (LPN) as defined in KRS 314.011(9)</li> <li>• Completes DMS-approved, waiver-specific training yearly on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.</li> <li>• Has the ability to: <ul style="list-style-type: none"> <li>○ Communicate effectively with a participant in the participant's preferred manner of communication and</li> </ul> </li> </ul>

		<p>with the participant's family;</p> <ul style="list-style-type: none"> <li>○ Read, understand, and implement written and oral instructions;</li> <li>○ Perform required documentation;</li> <li>○ Participate as a member of the participant's person-centered team if requested by the participant; and</li> <li>○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's person-centered service plan (PCSP).</li> </ul> <ul style="list-style-type: none"> <li>• Undergoes pre-employment screenings as described in C-2-a and b of this appendix.</li> <li>• Is certified in CPR and First Aid.</li> </ul>
<b>Verification of Provider Qualifications:</b>	<b>Entity Responsible for Verification:</b>	Office of Inspector General DMS or its designee
	<b>Frequency of Verification:</b>	At least every two years or more frequently if necessary

<b>Provider Specification</b>		
<b>Provider Category:</b>	Agency	
<b>Provider Type:</b>	Private Duty Nursing Agency	
<b>Provider Qualifications:</b>	<b>License (specify):</b>	by OIG 902 KAR 20:081
	<b>Certificate (specify):</b>	Certified by DMS or its designee
	<b>Other Standard (specify):</b>	The agency must meet certified waiver provider qualifications as defined in [insert KAR here].

		<p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> <li>• A licensed practical nurse (LPN) as defined in KRS 314.011(9)</li> <li>• Completes DMS-approved, waiver-specific training yearly on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.</li> <li>• Has the ability to: <ul style="list-style-type: none"> <li>○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's family;</li> <li>○ Read, understand, and implement written and oral instructions;</li> <li>○ Perform required documentation;</li> <li>○ Participate as a member of the participant's person-centered team if requested by the participant; and</li> <li>○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's person-centered service plan (PCSP).</li> </ul> </li> <li>• Undergoes pre-employment screenings as described in C-2-a and b of this appendix.</li> </ul>
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		<ul style="list-style-type: none"> <li>Is certified in CPR and First Aid.</li> </ul>
<b>Verification of Provider Qualifications:</b>	<b>Entity Responsible for Verification:</b>	Office of Inspector General DMS or its designee
	<b>Frequency of Verification:</b>	At least every two years or more frequently if necessary

## C-1/C-3: Service Specification

<b>Service Type:</b>	Other Service			
<b>Service Name:</b>	Skilled Services by a Registered Nurse (RN)			
<b>Alternative Service Title (if any):</b>				
<b>HCBS Taxonomy:</b>	<b>Category 1:</b>	05 Nursing	<b>Sub-Category 1:</b>	05020 skilled nursing
	<b>Category 2:</b>		<b>Sub-Category 3:</b>	
	<b>Category 3:</b>		<b>Sub-Category 3:</b>	
	<b>Category 4:</b>		<b>Sub-Category 4:</b>	
<b>Service Definition (Scope):</b>	<p>Skilled nursing services by an RN are defined as the provision of medically necessary complex skilled nursing care in the home by an RN. The purpose is to assess, monitor and provide skilled nursing care as defined in KRS 314.011 in the home on an hourly basis. Services must be skilled and non-custodial in nature.</p> <p>Skilled services by an RN must be prior authorized.</p>			
<b>Specify applicable (if any) limits on the amount, frequency, or duration of this service:</b>	Reimbursement shall be based on a fixed fee for a unit of service provided. A unit of service is fifteen (15) minutes.			
<b>Service Delivery Method:</b>		<b>Participant-directed as specified in Appendix E</b>		
	X	<b>Provider managed</b>		
<b>Specify whether the service may be provided by (check each that applies):</b>		<b>Legally Responsible Person</b>		
		<b>Relative</b>		
		<b>Legal Guardian</b>		

Provider Specifications:	
Provider Category	Provider Type Title
Agency	Home Health Agency
Agency	Private Duty Nursing Agency

### C-1/C-3: Provider Specifications for Service

Provider Specification		
<b>Provider Category:</b>	Agency	
<b>Provider Type:</b>	Home Health Agency	
<b>Provider Qualifications:</b>	<b>License (specify):</b>	by OIG 902 KAR 20:081
	<b>Certificate (specify):</b>	Certified by DMS or its designee
	<b>Other Standard (specify):</b>	<p>The agency must meet certified waiver provider qualifications as defined in [insert KAR here].</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> <li>• A registered nurse (RN) as defined in KRS 314.011(5)</li> <li>• Completes DMS-approved, waiver-specific training yearly on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.</li> <li>• Has the ability to: <ul style="list-style-type: none"> <li>○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's family;</li> <li>○ Read, understand, and implement written and oral instructions;</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ Perform required documentation;</li> <li>○ Participate as a member of the participant's person-centered team if requested by the participant; and</li> <li>○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's person-centered service plan (PCSP).</li> </ul> <ul style="list-style-type: none"> <li>• Undergoes pre-employment screenings as described in C-2-a and b of this appendix.</li> <li>• Is certified in CPR and First Aid.</li> </ul>
<b>Verification of Provider Qualifications:</b>	<b>Entity Responsible for Verification:</b>	Office of Inspector General DMS or its designee
	<b>Frequency of Verification:</b>	At least every two years or more frequently if necessary

<b>Provider Specification</b>		
<b>Provider Category:</b>	Agency	
<b>Provider Type:</b>	Private Duty Nursing Agency	
<b>Provider Qualifications:</b>	<b>License (specify):</b>	by OIG 902 KAR 20:081
	<b>Certificate (specify):</b>	Certified by DMS or its designee
	<b>Other Standard (specify):</b>	<p>The agency must meet certified waiver provider qualifications as defined in [insert KAR here].</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p>

		<ul style="list-style-type: none"> <li>• A registered nurse (RN) as defined in KRS 314.011(5)</li> <li>• Completes DMS-approved, waiver-specific training yearly on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.</li> <li>• Has the ability to: <ul style="list-style-type: none"> <li>○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's family;</li> <li>○ Read, understand, and implement written and oral instructions;</li> <li>○ Perform required documentation;</li> <li>○ Participate as a member of the participant's person-centered team if requested by the participant; and</li> <li>○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's person-centered service plan (PCSP).</li> </ul> </li> <li>• Undergoes pre-employment screenings as described in C-2-a and b of this appendix.</li> <li>• Is certified in CPR and First Aid.</li> </ul>
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<b>Verification of Provider Qualifications:</b>	<b>Entity Responsible for Verification:</b>	Office of Inspector General DMS or its designee
	<b>Frequency of Verification:</b>	At least every two years or more frequently if necessary

## C-1/C-3: Service Specification

<b>Service Type:</b>	Other Service			
<b>Service Name:</b>	Skilled Services by a Respiratory Therapist (RT)			
<b>Alternative Service Title (if any):</b>				
<b>HCBS Taxonomy:</b>	<b>Category 1:</b>	05 Nursing	<b>Sub-Category 1:</b>	05020 skilled nursing
	<b>Category 2:</b>		<b>Sub-Category 3:</b>	
	<b>Category 3:</b>		<b>Sub-Category 3:</b>	
	<b>Category 4:</b>		<b>Sub-Category 4:</b>	
<b>Service Definition (Scope):</b>	<p>Skilled services by an RT are those that specialize in the promotion of optimal pulmonary function and health. This includes assessment of the participant's respiratory function, a diagnostic evaluation, monitoring and rehabilitation of the participant's pulmonary disorder. It involves the use and management of therapeutic medical gases and their apparatus and ventilator support. Services are provided by a licensed RT.</p> <p>Skilled services by an RT must be prior authorized.</p>			
<b>Specify applicable (if any) limits on the amount, frequency, or duration of this service:</b>	Reimbursement shall be based on a fixed fee for a unit of service provided. A unit of service is fifteen (15) minutes.			
<b>Service Delivery Method:</b>		<b>Participant-directed as specified in Appendix E</b>		
	X	<b>Provider managed</b>		
<b>Specify whether the service may be provided by (check each that applies):</b>		<b>Legally Responsible Person</b>		
		<b>Relative</b>		
		<b>Legal Guardian</b>		
<b>Provider Specifications:</b>				

Provider Category	Provider Type Title
Agency	Home Health Agency
Agency	Private Duty Nursing Agency

### C-1/C-3: Provider Specifications for Service

Provider Specification		
<b>Provider Category:</b>	Agency	
<b>Provider Type:</b>	Home Health Agency	
<b>Provider Qualifications:</b>	<b>License (specify):</b>	by OIG 902 KAR 20:081
	<b>Certificate (specify):</b>	Certified by DMS or its designee
	<b>Other Standard (specify):</b>	<p>The agency must meet certified waiver provider qualifications as defined in [insert KAR here].</p> <p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> <li>• A respiratory therapist as defined in KRS 314A.010(3)(a)</li> <li>• Completes DMS-approved, waiver-specific training yearly on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.</li> <li>• Has the ability to: <ul style="list-style-type: none"> <li>○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's family;</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>○ Read, understand, and implement written and oral instructions;</li> <li>○ Perform required documentation;</li> <li>○ Participate as a member of the participant's person-centered team if requested by the participant; and</li> <li>○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's person-centered service plan (PCSP).</li> </ul> <ul style="list-style-type: none"> <li>• Undergoes pre-employment screenings as described in C-2-a and b of this appendix.</li> <li>• Is certified in CPR and First Aid.</li> <li>○</li> </ul>
<b>Verification of Provider Qualifications:</b>	<b>Entity Responsible for Verification:</b>	Office of Inspector General DMS or its designee
	<b>Frequency of Verification:</b>	At least every two years or more frequently if necessary

<b>Provider Specification</b>		
<b>Provider Category:</b>	Agency	
<b>Provider Type:</b>	Private Duty Nursing Agency	
<b>Provider Qualifications:</b>	<b>License (specify):</b>	by OIG 902 KAR 20:081
	<b>Certificate (specify):</b>	Certified by DMS or its designee
	<b>Other Standard (specify):</b>	The agency must meet certified waiver provider qualifications as defined in [insert KAR here].

		<p>Agency staff who come into direct contact with waiver participants must meet the following qualifications:</p> <ul style="list-style-type: none"> <li>• A respiratory therapist as defined in KRS 314A.010(3)(a)</li> <li>• Completes DMS-approved, waiver-specific training yearly on topics including, but not limited to: abuse, neglect, exploitation and incident reporting, medication administration, professional boundaries, trauma-informed care, and person-centered thinking.</li> <li>• Has the ability to: <ul style="list-style-type: none"> <li>○ Communicate effectively with a participant in the participant's preferred manner of communication and with the participant's family;</li> <li>○ Read, understand, and implement written and oral instructions;</li> <li>○ Perform required documentation;</li> <li>○ Participate as a member of the participant's person-centered team if requested by the participant; and</li> <li>○ Demonstrate competence and knowledge of topics required to safely support the participant as described in the participant's person-centered service plan (PCSP).</li> </ul> </li> </ul>
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		<ul style="list-style-type: none"> <li>Undergoes pre-employment screenings as described in C-2-a and b of this appendix.</li> <li>Is certified in CPR and First Aid.</li> </ul>
<b>Verification of Provider Qualifications:</b>	<b>Entity Responsible for Verification:</b>	Office of Inspector General DMS or its designee
	<b>Frequency of Verification:</b>	At least every two years or more frequently if necessary

## C-1: Summary of Services Covered (2 of 2)

- b. **Provision of Case Management Services to Waiver Participants.** *Indicate how case management is furnished to waiver participants (select one):*

X	<b>Not applicable</b> – Case management is not furnished as a distinct activity to waiver participants.
	<b>Applicable</b> – Case management is furnished as a distinct activity to waiver participants. Check each that applies:
	<b>As a waiver service defined in Appendix C-3.</b> Do not complete item C-1-c.
	<b>As a Medicaid State plan service under 1915(i) of the Act (HCBS as a State Plan Option).</b> Complete item C-1-c.
	<b>As a Medicaid State plan service under 1915(g)(1) of the Act (Targeted Case Management).</b> Complete item C-1-c.
	<b>As an administrative activity.</b> Complete item C-1-c.

- c. **Delivery of Case Management Services.** *Specify the entity or entities that conduct case management functions on behalf of waiver participants:*

As indicated in C-1-b, this section is not applicable.

## C-2: General Service Specifications (1 of 3)

- a. **Criminal History and/or Background Investigations.** *Specify the State's policies concerning the conduct of criminal history and/or background investigations of individuals who provide waiver services (select one):*

	<b>No. Criminal history and/or background investigations are not required.</b>
X	<b>Yes. Criminal history and/or background investigations are required.</b>

*Specify: (a) the types of positions (e.g., personal assistants, attendants) for which such investigations must be conducted; (b) the scope of such investigations (e.g., state, national); and, (c) the process for ensuring that mandatory investigations have been conducted. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid or the operating agency (if applicable):*

- A. All providers or provider agency employees with contact with participants are required to undergo a background investigation at hiring and repeated as appropriate.
  - B. Kentucky offers employers two options for conducting pre-employment background investigations.
    - i. The Kentucky Applicant Registry and Employment Screening (KARES) system: KARES is an electronic interface and nationwide background investigation and registry system. KARES enables automatic abuse registry checks, including continuous assessment (i.e. ongoing registry checks after employment date), as well as fingerprint-based background checks through Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI).
    - ii. If KARES is not used, pre-employment background investigations must be conducted using all four (4) of the following:
      - 1. Administrative Office of the Courts (AOC) Background Check operated by Kentucky Court of Justice and an equivalent out-of-state agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment
      - 2. Kentucky Child Abuse and Neglect (CAN) Registry operated by the Cabinet for Health and Family Services and an equivalent out-of-state agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment
      - 3. Caregiver Misconduct Registry operated by the Cabinet for Health and Family Services
      - 4. Nurse Aide Abuse Registry operated by the Kentucky Board of Nursing.
- If a potential employee has resided or worked out of state within the last 12 calendar months the other state's equivalency of all checks must be completed and results provided for that timeframe
- C. All employees who have contact with participants, are also required to pass a six-panel drug screening prior to employment.
  - D. Provider agencies are responsible for conducting pre-employment background screenings on agency employees. The following disqualifies an agency employee from providing services:
    - 1. A prior conviction for an offense as described in KRS 17.165(1) through (3)
    - 2. A prior felony conviction or diversion program that has not been completed
    - 3. A drug conviction, felony plea bargain, or amended plea bargain within the past five (5) years
    - 4. Failing to pass a six-panel drug test
    - 5. Has a conviction for abuse, neglect, or exploitation (ANE) as defined in Appendix G
    - 6. Has substantiated finding of abuse, neglect or exploitation through adult protective services (APS) or child protective services (CPS)
    - 7. Prior conviction of Medicaid fraud by the Medicaid Fraud Control Unit (MFCU), OIG or OAG.
    - 8. Employees with a drug related conviction or an amended plea bargain within the past five (5) years must prove completion of all court ordered treatment and/or diversional programs. The employing provider agency must conduct a random, six-panel drug screening within the following frequency depending on the timeframe since conviction:
      - a. Every ninety (90) days for employees who are three (3) years or less removed from his/her conviction;
      - b. Every one-hundred eighty (180) days for employees three (3) to five (5) years removed from his/her conviction

- c. Random drug screenings are not required for employees who are over five (5) years removed from his/her conviction
- 9. Employees who have a driving under the influence conviction, amended plea bargain, or diversion in the past year shall not transport participants

E. All employees who have contact with participants must also undergo a screening for tuberculosis per Department of Health guidelines.

- b. **Abuse Registry Screening.** *Specify whether the State requires the screening of individuals who provide waiver services through a State-maintained abuse registry (select one):*

	<b>No. The State does not conduct abuse registry screening.</b>
<b>X</b>	<b>Yes. The State maintains an abuse registry and requires the screening of individuals through this registry.</b>

*Specify: (a) the entity (entities) responsible for maintaining the abuse registry; (b) the types of positions for which abuse registry screenings must be conducted; and, (c) the process for ensuring that mandatory screenings have been conducted. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):*

All employees of traditional service providers with contact with the participant must submit to a screening using KARES or a combination of other state registries at the time of hire.

The KARES system conducts a fingerprint-based background check of Kentucky State Police (KSP) and Federal Bureau of Investigation (FBI) records and checks the Kentucky Nurse Aide and Home Health Abuse Registry, the Kentucky Caregiver Misconduct Registry, the Kentucky Child Abuse and Neglect (Central) Registry, Nurse Aide Abuse Registry, and the Federal List of Excluded Individuals/Entities (LEIE) list. The KARES system will also alert an employer of any new arrest findings after the date of hire listed in the KARES system. Employees listed in the KARES system must receive a yearly validation from their employer, which consists of the employer indicating within the KARES system the employee still works for them.

Traditional service agencies who chose not to use the KARES system must conduct screenings of the following registries:

- (1) Administrative Office of the Courts (AOC) Background Check operated by Kentucky Court of Justice and an equivalent out-of-state agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment
- (2) Kentucky Child Abuse and Neglect (CAN) Registry operated by the Cabinet for Health and Family Services and an equivalent out-of-state agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment
- (3) Caregiver Misconduct Registry operated by the Cabinet for Health and Family Services
- (4) Nurse Aide Abuse Registry operated by the Kentucky Board of Nursing

Licensed providers who conduct screenings using the AOC, CAN, and Caregiver Misconduct Registry, the agency must check, at random, twenty-five (25) percent of existing employees using the registries each year. Existing employees are those who have been employed by the agency for one (1) year or more. DMS reviews the findings of this check upon recertification of the provider and at provider billing reviews.

## C-2: General Service Specifications (2 of 3)

**c. Services in Facilities Subject to §1616(e) of the Social Security Act. Select one:**

<b>X</b>	<b>No. Home and community-based services under this waiver are not provided in facilities subject to 1616(e) of the Act.</b>
	<b>Yes. Home and community-based services are provided in facilities subject to 1616(e) of the Act. The standards that apply to each type of facility where waiver services are provided are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).</b>

## C-2: General Service Specifications (3 of 3)

**d. Provision of Personal Care or Similar Services by Legally Responsible Individuals.** *A legally responsible individual is any person who has a duty under State law to care for another person and typically includes: (a) the parent (biological or adoptive) of a minor child or the guardian of a minor child who must provide care to the child or (b) a spouse of a waiver participant. Except at the option of the State and under extraordinary circumstances specified by the State, payment may not be made to a legally responsible individual for the provision of personal care or similar services that the legally responsible individual would ordinarily perform or be responsible to perform on behalf of a waiver participant. Select one:*

<b>X</b>	<b>No. The State does not make payment to legally responsible individuals for furnishing personal care or similar services.</b>
	<b>Yes. The State makes payment to legally responsible individuals for furnishing personal care or similar services when they are qualified to provide the services.</b>

*Specify: (a) the legally responsible individuals who may be paid to furnish such services and the services they may provide; (b) State policies that specify the circumstances when payment may be authorized for the provision of extraordinary care by a legally responsible individual and how the State ensures that the provision of services by a legally responsible individual is in the best interest of the participant; and, (c) the controls that are employed to ensure that payments are made only for services rendered. Also, specify in Appendix C-1/C-3 the personal care or similar services for which payment may be made to legally responsible individuals under the State policies specified here.*

**e. Other State Policies Concerning Payment for Waiver Services Furnished by Relatives/Legal Guardians.** Specify State policies concerning making payment to relatives/legal guardians for the provision of waiver services over and above the policies addressed in Item C-2-d. Select one:

<b>X</b>	<b>The State does not make payment to relatives/legal guardians for furnishing waiver services.</b>
	<b>Relatives/legal guardians may be paid for providing waiver services whenever the relative/legal guardian is qualified to provide services as specified in Appendix C-1/C-3.</b> <i>Specify the controls that are employed to ensure that payments are made only for services rendered.</i>
	<b>Other policy.</b> <i>Specify:</i>

- f. **Open Enrollment of Providers.** *Specify the processes that are employed to assure that all willing and qualified providers have the opportunity to enroll as waiver service providers as provided in 42 CFR §431.51:*

Provider enrollment is continuous and open to any willing and qualified individual or entity. The application process begins by contacting DMS Provider Enrollment through a toll-free phone number or accessing the MAP 811 provider enrollment form through the Cabinet for Health and Family Services (CHFS) website. DMS Provider Enrollment will refer any applicants who wish to serve a waiver program to the DMS Division of Community Alternatives (DCA) for certification. The provider must meet all qualifications, certification and licensing requirements set forth in Appendix C of this application for the service they seek to deliver. A potential provider must complete waiver population specific training provided by DMS during the application process and before billing for any service provided. CHFS is in the process of implementing a web-based process for enrolling providers. The full adoption date is TBD

For existing providers who add a setting, DMS or its designee staff will evaluate the setting to ensure it meets certification requirements. The provider does not need to apply for a new provider number.

## Appendix C: Participant Services

### Quality Improvement: Qualified Providers

#### a. **Methods for Discovery:**

<b>Methods for Discovery:</b>	<i>The State demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.</i>					
<b>Sub-assurance:</b>	<i>The State verifies that providers initially and continually meet required licensure and/or certification standards and adhere to other standards prior to their furnishing waiver services.</i>					
<b>Performance measure:</b>	Percent of waiver providers that meet initial certification requirements prior to the furnishing of waiver services. N= Number of New Providers who meet initial certification requirements prior to furnishing services. D= Number of new contracted providers.					
<b>Data Source: Certification survey</b>						
	<b>Responsible Party for data collection/generation (check each that applies):</b>		<b>Frequency of data collection/generation (check each that applies):</b>		<b>Sampling Approach (check each that applies)</b>	
	X	State Medicaid Agency		Weekly	X	100% Review
		Operating Agency		Monthly		Less than 100% Review  Confidence interval:
		Sub-State Entity	X	Quarterly		Representative Sample  Confidence interval=
	X	Other Delegated Entity	X	Annually		Stratified.

		<i>Specify:</i>				<i>Describe Group:</i>
				<i>Continuously and Ongoing</i>		<i>Other</i>
				<i>Other</i>		<i>Specify:</i>
<b>Data Aggregation and Analysis</b>						
	<b>Responsible Party for data aggregation and analysis (check each that applies):</b>			<b>Frequency of data aggregation and analysis (check each that applies):</b>		
	X	<i>State Medicaid Agency</i>			<i>Weekly</i>	
		<i>Operating Agency</i>			<i>Monthly</i>	
		<i>Sub-State Entity</i>		X	<i>Quarterly</i>	
		<i>Other</i>		X	<i>Annually</i>	
		<i>Specify:</i>				
					<i>Continuously and Ongoing</i>	
					<i>Other</i>	
					<i>Specify:</i>	

<b>Methods for Discovery:</b>	<i>The State demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.</i>					
<b>Sub-assurance:</b>	<i>The State verifies that providers initially and continually meet required licensure and/or certification standards and adhere to other standards prior to their furnishing waiver services.</i>					
<b>Performance measure:</b>	Number and percent of providers who continue to meet certification requirements following initial enrollment. N=Number of providers who continue to meet certification requirements following initial enrollment. D= Number of existing contracted providers.					
<b>Data Source: Certification survey</b>						
	<b>Responsible Party for data collection/generation (check each that applies):</b>		<b>Frequency of data collection/generation (check each that applies):</b>		<b>Sampling Approach (check each that applies)</b>	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>	X	<i>100% Review</i>
		<i>Operating Agency</i>		<i>Monthly</i>		<i>Less than 100% Review</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>		<i>Confidence interval: Representative Sample</i>
	X	<i>Other</i>	X	<i>Annually</i>		<i>Confidence interval= Stratified.</i>

		<i>Specify: delegated entity</i>				<i>Describe Group:</i>
				<i>Continuously and Ongoing</i>		<i>Other</i>
				<i>Other</i>		<i>Specify:</i>
<b>Data Aggregation and Analysis</b>						
	<b>Responsible Party for data aggregation and analysis (check each that applies):</b>			<b>Frequency of data aggregation and analysis (check each that applies):</b>		
	X	<i>State Medicaid Agency</i>			<i>Weekly</i>	
		<i>Operating Agency</i>			<i>Monthly</i>	
		<i>Sub-State Entity</i>	X		<i>Quarterly</i>	
		<i>Other</i>	X		<i>Annually</i>	
		<i>Specify:</i>			<i>Continuously and Ongoing</i>	
					<i>Other</i>	
					<i>Specify:</i>	

<b>Methods for Discovery:</b>	<i>The State demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.</i>					
<b>Sub-assurance:</b>	<i>The State verifies that providers initially and continually meet required licensure and/or certification standards and adhere to other standards prior to their furnishing waiver services.</i>					
<b>Performance measure:</b>	Number and percent of providers that meet initial OIG licensing requirement at review. N=Number of waiver providers meeting initial OIG licensing requirements. D= Number of new licensed providers.					
<b>Data Source: Reports to State Medicaid Agency on delegated administrative function</b>						
	<b>Responsible Party for data collection/generation (check each that applies):</b>		<b>Frequency of data collection/generation (check each that applies):</b>		<b>Sampling Approach (check each that applies)</b>	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>	X	<i>100% Review</i>
		<i>Operating Agency</i>		<i>Monthly</i>		<i>Less than 100% Review</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>		<i>Confidence interval: Representative Sample</i>

						<i>Confidence interval=</i>
		<i>Other</i>	X	<i>Annually</i>		<i>Stratified.</i>
		<i>Specify: OIG</i>		<i>Continuously and Ongoing</i>		<i>Describe Group: Other</i>
				<i>Other</i>		<i>Specify:</i>

#### Data Aggregation and Analysis

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>
		<i>Operating Agency</i>		<i>Monthly</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>
		<i>Other</i>	X	<i>Annually</i>
		<i>Specify:</i>		<i>Continuously and Ongoing</i>
				<i>Other</i>
				<i>Specify:</i>

<b>Methods for Discovery:</b>	<i>The State demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.</i>
<b>Sub-assurance:</b>	<i>The State verifies that providers initially and continually meet required licensure and/or certification standards and adhere to other standards prior to their furnishing waiver services.</i>
<b>Performance measure:</b>	Number and percent of providers that meet OIG licensing requirements following initial licensing. N=Number of waiver providers who continue to meet OIG licensing requirements following initial licensing. D= Number of existing licensed providers

#### Data Source: Reports to State Medicaid Agency on delegated administrative function

	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>	X	<i>100% Review</i>
		<i>Operating Agency</i>		<i>Monthly</i>		<i>Less than 100% Review</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>		<i>Confidence interval: Representative Sample</i>
	X	<i>Other</i>	X	<i>Annually</i>		<i>Confidence interval= Stratified.</i>

		<i>Specify: OIG</i>				<i>Describe Group:</i>
				<i>Continuously and Ongoing</i>		<i>Other</i>
				<i>Other</i>		<i>Specify:</i>
<b>Data Aggregation and Analysis</b>						
	<b>Responsible Party for data aggregation and analysis (check each that applies):</b>			<b>Frequency of data aggregation and analysis (check each that applies):</b>		
	X	<i>State Medicaid Agency</i>			<i>Weekly</i>	
		<i>Operating Agency</i>			<i>Monthly</i>	
		<i>Sub-State Entity</i>		X	<i>Quarterly</i>	
		<i>Other</i>		X	<i>Annually</i>	
		<i>Specify:</i>			<i>Continuously and Ongoing</i>	
					<i>Other</i>	
					<i>Specify:</i>	

<b>Methods for Discovery:</b>	<i>The State demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.</i>					
<b>Sub-assurance:</b>	<i>The State implements its policies and procedures for verifying that provider training is conducted in accordance with state requirements and the approved waiver</i>					
<b>Performance measure:</b>	Percent of reviewed providers in which staff have successfully completed mandatory training annually. N= All reviewed providers whose staff have successfully completed mandatory training. D= Total number of reviewed providers.					
<b>Data Source: Certification surveys</b>						
	<b>Responsible Party for data collection/generation (check each that applies):</b>		<b>Frequency of data collection/generation (check each that applies):</b>		<b>Sampling Approach (check each that applies)</b>	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>		<i>100% Review</i>
		<i>Operating Agency</i>		<i>Monthly</i>	X	<i>Less than 100% Review</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>		<i>Confidence interval: 95%</i> <i>Representative Sample</i> <i>Confidence interval=</i>

		Other Specify:	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		
<b>Data Aggregation and Analysis</b>						
	<b>Responsible Party for data aggregation and analysis (check each that applies):</b>			<b>Frequency of data aggregation and analysis (check each that applies):</b>		
	X	State Medicaid Agency			Weekly	
		Operating Agency			Monthly	
		Sub-State Entity		X	Quarterly	
		Other Specify:		X	Annually	
					Continuously and Ongoing	
					Other Specify:	

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

The State currently verifies that 100% of all waiver providers are certified and/or licensed prior to rendering services. Providers who have completed the OIG process to receive a license are eligible to become a Medicaid provider. The States OIG monitors and re-licenses them on a 3 year basis. If a provider's license is revoked, DMS or designee is notified by the OIG. DMS or designee certifies licensed and non-licensed providers. The State does not contract with non-licensed or non-certified providers. The State implements its policies and procedures and provides for training as needed related to policy changes through letters, DMS website or by attending the various associations of each of the provider entities.

**b. Method for Remediation/Fixing Individual Problems**

- i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.

If the Provider Agency has not provided or ensured training of their employees, DMS or its designee will follow policies and procedures as noted in the certified waiver provider regulation (Insert KAR).

- ii. **Remediation Data Aggregation**  
**Remediation-related Data Aggregation and Analysis (including trend identification).**

Responsible Party (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
X	State Medicaid Agency		Weekly
	Operating Agency		Monthly
	Sub-State Entity	X	Quarterly
X	Other	X	Annually
	Specify:		
			Continuously and Ongoing
			Other
			Specify:

**c. Timeline**

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Qualified Providers that are currently non-operational.

X	No
	Yes Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for this operation.

## Appendix C-3: Waiver Services Specifications

Section C-3 "Service Specifications" is incorporated into Section C-1 "Waiver Services".

## Appendix C-4: Additional Limits on Amount of Waiver Services

**a. Additional Limits on Amount of Waiver Services:**

X	<b>Not applicable-</b> The State does not impose a limit on the amount of waiver services except as provided in Appendix C-3.	
	<b>Applicable -</b> The State imposes additional limits on the amount of waiver services.	
		<p><b>Limit(s) on Set(s) of Services.</b> There is a limit on the maximum dollar amount of waiver services that is authorized for one or more sets of services offered under the waiver.</p> <p>Furnish the information specified above.</p>
		<p><b>Prospective Individual Budget Amount.</b> There is a limit on the maximum dollar amount of waiver services authorized for each specific participant.</p> <p>Furnish the information specified above.</p>
		<p><b>Budget Limits by Level of Support.</b> Based on an assessment process and/or other factors, participants are assigned to funding levels that are limits on the maximum dollar amount of waiver services.</p>

		<i>Furnish the information specified above.</i>
		<b>Other Type of Limit.</b> <i>The State employs another type of limit.</i>  <i>Describe the limit and furnish the information specified above.</i>

## Appendix C-5: General Service Specifications

*Explain how residential and non-residential settings in this waiver comply with federal HCB Settings requirements at 42 CFR 441.301(c)(4)-(5) and associated CMS guidance. Including:*

- 1. Description of the settings and how they meet federal HCB Settings requirements, at the time of submission and in the future.*
- 2. Description of the means by which the state Medicaid agency ascertains that all waiver settings meet federal HCB Setting requirements, at the time of this submission and ongoing.*

*Note instructions at Module 1, Attachment #2, HCB Settings Waiver Transition Plan for description of settings that do not meet requirements at the time of submission. Do not duplicate that information here.*

Providers are monitored for compliance with federal Final Rule as part of the certification and monitoring process. Providers are monitored every two (2) years or more frequently if necessary. As part of the certification and recertification, providers are asked specific questions regarding federal Final Rule.

## Appendix D: Participant-Centered Planning and Service Delivery

### D-1: Service Plan Development (1 of 8)

**State Participant-Centered Service Plan Title:** Person-centered Service Plan (PCSP)

- a. Responsibility for Service Plan Development.** *Per 42 CFR §441.301(b)(2), specify who is responsible for the development of the service plan and the qualifications of these individuals (select each that applies):*

<b>X</b>	<b>Registered nurse, licensed to practice in the State</b>
	<b>Licensed practical or vocational nurse, acting within the scope of practice under State law</b>
	<b>Licensed physician (M.D. or D.O)</b>
	<b>Case Manager</b> <i>(qualifications specified in Appendix C-1/C-3)</i>
	<b>Case Manager</b> <i>(qualifications not specified in Appendix C-1/C-3).</i>  <i>Specify qualifications:</i>

	<b>Social Worker</b>  <i>Specify qualifications:</i>
	<b>Other</b>  <i>Specify qualifications:</i>

## D-1: Service Plan Development (2 of 8)

### b. Service Plan Development Safeguards. *Select one:*

	<b>Entities and/or individuals that have responsibility for service plan development may not provide other direct waiver services to the participant.</b>
<b>X</b>	<b>Entities and/or individuals that have responsibility for service plan development may provide other direct waiver services to the participant.</b>

*The State has established the following safeguards to ensure that service plan development is conducted in the best interests of the participant. Specify:*

Because of the way Model Waiver II is designed, with case management as an administrative function, the waiver provider is the only willing and qualified entity to provide HCBS and case management in the geographic area.

The state has devised the following protections against conflict through separation of entity and provider functions within the provider entity: The individual staff member providing case management is not the same staff member providing HCBS services to the waiver consumer, nor would the individual case manager be the person to provide emergency nursing services to the consumer, in the event of an emergency situation.

DMS has the responsibility for review of the MWII program with the recipient and the provider. The review will be an onsite review at the provider's actual location and will include a review of the Model Waiver II cases. The review shall be conducted by a registered nurse.

The on-site provider surveys/audits conducted by DMS include a review of the Person Centered Service Plan (PCSP) to ensure that the recipient/caregiver was involved with the planning process and that it is validated by signature. There is also a review of the provider's policies and procedures to ensure that they include policies to address that the participant and their family/guardian/caregiver is made aware of their rights and responsibilities and other important information when the recipient is admitted to the Model II Waiver Program and when/if important policy changes are made. The agency's policies must also be maintained and available to the agency staff.

## D-1: Service Plan Development (3 of 8)

### c. Supporting the Participant in Service Plan Development. *Specify: (a) the supports and information that are made available to the participant (and/or family or legal representative, as appropriate) to direct and be actively engaged in the service plan development process and (b) the participant's authority to determine who is included in the process.*

The state regulations include the member's freedom of choice of service providers as well, as participation in the development of the PCSP. Participants may select family members and/or

other significant others to participate in the development of the PCSP. The participant or guardian shall sign the PCSP indicating their participation in the development. The provider is required to ensure the participant has been informed of their rights to choose provider agencies. Each provider is aware of their licensure requirements and the DMS requirements to include and involve the participant and their family/caregiver in the care planning process. This is applied by each provider and reviewed and discussed with the providers and also the participants during on-site surveys. In addition, the DMS website provides current and helpful information regarding the Model II Waiver Program and its services, processes, benefits, etc. to participants, providers, other consumers, the public, etc. and DMS staff provides information and assistance as requested of consumers and providers.

## D-1: Service Plan Development (4 of 8)

- d. Service Plan Development Process.** *In four pages or less, describe the process that is used to develop the participant centered service plan, including: (a) who develops the plan, who participates in the process, and the timing of the plan; (b) the types of assessments that are conducted to support the service plan development process, including securing information about participant needs, preferences and goals, and health status; (c) how the participant is informed of the services that are available under the waiver; (d) how the plan development process ensures that the service plan addresses participant goals, needs (including health care needs), and preferences; (e) how waiver and other services are coordinated; (f) how the plan development process provides for the assignment of responsibilities to implement and monitor the plan; and, (g) how and when the plan is updated, including when the participant's needs change. State laws, regulations, and policies cited that affect the service plan development process are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):*

The enrollment notice sent to the participant advises the participant and the participant's guardian and/or authorized representative, if applicable, that they must select a provider to complete their functional assessment and begin the person centered service planning process. Once the provider is selected, they must associate themselves in the DMS-approved system and complete the assessment and begin person-centered planning process.

The functional assessor must contact the individual to schedule the functional assessment. The assessment must be completed and uploaded in the DMS approved system.

The functional assessor is responsible to verbally advise the participant and the participant's guardian and/or authorized representative, if applicable, or informal supports who attend the assessment, of next steps to initiate services, expressly advising them of the need to schedule their person centered service planning meeting with their provider.

After completion and upload of the functional assessment, the RN Supervisor must conduct an initial home visit and begin the Person-Centered Services Plan (PCSP).

### Process for Developing a Person-Centered Service Plan (PCSP)

The person-centered planning process and development of the PCSP takes place as follows:

1. The first step is to clarify the needed individuals and their roles on the participant's person-centered team as defined in D-1-c. of this appendix. A participant is free to designate any family, friends, and other caregivers, both paid or unpaid, to participate in this process. The participant and the participant's guardian or authorized representative, if applicable, may

remove any individuals at their discretion. The RN Supervisor must document the individuals included in the person-centered team on the DMS approved form and upload it to the DMS-approved system. The RN Supervisor must document when a support is disinvited or removed from the person-centered planning team.

For the development of the initial PCSP, the full person-centered planning team must be in attendance. For the annual recertification of the PCSP, the participant and the participant's guardian or authorized representative, if applicable, has final authority to determine whether there is satisfactory team participation to conduct the PCSP annual review meeting. The RN Supervisor must document how information about the meeting was provided to absent members. Members of the person-centered planning team who do not attend the annual review meeting or who attend by phone must provide written documentation that they understand the contents of the PCSP and can support the participant's service needs at the requested amount, frequency, and duration.

Once the person-centered planning team is confirmed, the RN Supervisor completes the primary activities:

a. The team collectively reviews the findings of the participant's functional assessment. This process includes documenting any non-Medicaid paid or unpaid supports including information on the access and limitations of said supports, and Medicaid State Plan services. For annual review meetings, the team should also review the participant's current PCSP.

b. The team works collectively under the leadership of the participant and the participant's guardian or authorized representative, if applicable, to complete an additional review of the participant's person-centered planning needs and wishes to establish goals and objectives that enhance health, safety, and welfare, community-based independence, community participation, and quality of life. Not all goals and objectives must be accomplished using 1915(c) waiver funded services.

c. The process of setting goals should include education and team support for the participant and the participant's guardian or the participant's authorized representative, if applicable. Goal and objectives must be:

- Stated Clearly: The goal or objective should be understandable to the participant and in his/her own words.
- Measurable: There should be markers of progress toward achieving a goal or objective that can be identified and quantified.
- Attainable: The goal or objective should be broken into small and actionable steps. Barriers to achieving the goal or objective should be identified and a plan put in place to help mitigate those barriers.
- Relevant: The goal or objective should be important to the participant. Steps toward the goal or objective should help the participant develop and use available resources to achieve it.
- Time-Bound: There should be a defined period for when the participant is expected to achieve the goal or objective, keeping in mind that reaching the goal or objective can take time and several steps. There should also be an agreed upon schedule in place for checking progress.

The RN Supervisor will provide detailed information to participants about available non-waiver services that may assist in reaching their goals and objectives

d. Goals and objectives must be documented, along with an inventory of a participant's personal preferences, individualized considerations for service delivery (i.e. how to bathe, what preferred activities the participant might wish to partake in during community access, desired schedule for services, etc.), as well as information about the participant's needs, wants, and future aspirations.

The results of this conversation are to be included in the PCSP, which is housed in the DMS-approved system. It must be signed by the participant and the participant's guardian or authorized representative, if applicable. The RN Supervisor, and all other individuals responsible for the implementation of services in order to demonstrate this information was collected, shared with all person-centered team members, and is accessible to inform ongoing development and implementation of the PCSP.

2. The RN Supervisor is required to provide options counseling and education on available service options to meet a participant's person-centered goals and objectives as established in Section D-1-d., using the process for educating the participant and other team members on service providers as described in Section D-1-c.

a. Once a participant and the participant's guardian or authorized representative, if applicable, selects providers to deliver services pursuant to the frequency and amount, the RN Supervisor is expected to facilitate the referral process including, but not limited to, the obtainment of the providers' signatures on the PCSP. The providers' signatures reflect their understanding of the contents of the PCSP and consent to deliver services as indicated in the plan, in accordance with the scope, amount and frequency of service, accommodating any person-centered preferences for service delivery documented in the PCSP.

b. The RN Supervisor is responsible to ensure that the scope, frequency, amount and duration of services falls within the allowable utilization criteria and limitations set by DMS, including those documented in Appendix C and clearly document any planned changes in utilization anticipated over the course of the year (i.e. anticipated change in utilization while a participant under the age of 18 is out of school for the summer, anticipated increases due to anticipated changes in caregiver availability, etc.).

c. The RN Supervisor must maintain documentation showing that all needs identified through the functional assessment are addressed via unpaid supports or paid supports and that all paid services are appropriate in amount, duration, frequency as identified by the functional assessment.

3. Once signatures have been secured from all required person-centered team members, including the participant and the participant's guardian or authorized representative, if applicable, the RN Supervisor, and all 1915(c) waiver funded service providers delivering PCSP included services, services may be initiated. The signatures should not be obtained until the person-centered planning process and the PCSP are complete.

a. Services rendered prior to signed attestation of understanding of the contents of the PCSP by these parties will not be reimbursed.

b. The participant's signature is intended to serve only as acknowledgement and understanding of the plan's contents. Signing the PCSP does not preclude the participant from grievance or appeal.

#### A. Initial Development of the Person-Centered Service Plan (for a new participant's first PCSP)

Once the assessment is complete and the participant chooses a case manager, the participant and the participant's guardian and/or authorized representative, if applicable, begins the process of developing the PCSP with the case manager's assistance. Upon acceptance of a new participant, the RN Supervisor must conduct an initial home visit to begin the person centered planning process.

Person-centered service planning and development of the PCSP should follow the steps described under "*Process for Developing a Person-Centered Service Plan*" in this section.

#### B. Annual Recertification of the Person-Centered Service Plan

1. A participant's PCSP is recertified on an annual basis., Prior to the reviewing and modifying of the PCSP, the following activities must occur:

- a. The RN Supervisor is to attend and must review the annual functional assessment, which is housed in the DMS-approved system. Should a CM choose to attend the functional assessment, they are expected to support the participant in answering questions and not answer questions on his/her behalf or influence the participant's response or lack of response. The functional assessor is not to use information provided by a RN Supervisor that directly conflicts with assessment feedback provided by the participant.

The person-centered service planning can begin forty-five (45) calendar days prior to the end of the current LOC period. The PCSP must be completed and uploaded to the DMS approved system seven (7) calendar days prior to the end of the current LOC period. The LOC period is defined as the period spanning 182 calendar days from the date a participant is allocated a waiver spot in the DMS-approved system. Person-centered service planning and development of the PCSP should follow the steps described under "*Process for Developing a Person-Centered Service Plan*" in this section.

#### C. Event-Based Modification of the Person-Centered Service Plan

1. A participant and a participant's guardian or authorized representative, if applicable, may request a modification to their PCSP due to changes in their condition or service needs at any time.

2. Certain modifications or event-based circumstances may require completion of an updated functional assessment to assess changes in the participant's needs and make necessary adjustments to the participant's PCSP. The following circumstances could merit completion of a functional assessment outside of the annual assessment cycle:

- a. Inpatient admission to an institutional care setting with changes at discharge in functional ability from previous assessment including:
  - i. Decreased functional ability in one or more activities of daily living
  - ii. Decreased functional ability in three or more instrumental activities of daily living
- b. A change in care setting that increases the participant's level of care, including transitions between community-based settings such as moving from a participant's own home to a residential setting.
- c. Long-term change in access to or ability of an unpaid caregiver(s)

- d. Observed or reported changes that result in the inability of the participant to meet goals and objectives based on the current PCSP, and/or do not provide a level of service sufficient to address health, safety, or welfare concerns

3. The RN Supervisor is responsible to initiate the event-based assessment in the DMS approved system.

4. The RN Supervisor will be responsible to review the updated assessment and share information about the assessment outcomes with the participant and the participant's guardian or authorized representative, if applicable. The RN Supervisor will work with the participant, and any members of the participant's person-centered team as requested by the participant, to modify the PCSP to address any requested or necessary modifications.

5. The updated PCSP must be signed by the participant and the participant's guardian or authorized representative, if applicable, any new service providers or providers for whom the scope, amount, or duration of service has been adjusted from what was previously consented to. The signatures should not be obtained until the person-centered planning process and the PCSP are complete. The modified PCSP will remain in effect until the end of the participant's original LOC year. The event-based functional assessment does not eliminate the need for a participant's annual PCSP recertification. All providers delivering services will be notified via the DMS-approved system when a participant's PCSP has changed and will be responsible to review changes and work with the participant's provider and person-centered team to make any adjustments or deploy mitigation strategies to assure continuity of care.

## D-1: Service Plan Development (5 of 8)

- e. **Risk Assessment and Mitigation.** *Specify how potential risks to the participant are assessed during the service plan development process and how strategies to mitigate risk are incorporated into the service plan, subject to participant needs and preferences. In addition, describe how the service plan development process addresses backup plans and the arrangements that are used for backup.*

Participant needs are identified through the functional assessment and via person-centered planning meetings. If assessed needs cannot be met using 1915(c) and other community-based paid or unpaid services, if the participant chooses not to access services or address certain community-based needs, or environmental, health, safety or welfare risks are identified by any member of the person-centered planning team, risk mitigation efforts must occur and be documented by the participant's service provider. Risks must be documented in the DMS approved system. The service provider assess the participant's individual risks by reviewing the participant's functional assessment, any critical incident reports, the participant's behavior support plan (if applicable), and through discussion with the person-centered planning team. When applicable, the following should be documented in the DMS approved system:

1. Medical diagnoses that may require emergency intervention
2. Behaviors that could harm the participant's health, safety, and welfare or harm the health, safety, and welfare of others
4. Any other identified or observable risks that could adversely affect the environment, health, safety, and welfare of the participant or pose a risk of harm to service providers

The participant's service provider is responsible to discuss risks with the participant and the participant's guardian or authorized representative, if applicable, and make sufficient

efforts to engage the participant and the participant's person-centered team to develop risk mitigation strategies that reduce risks, particularly those adversely impacting health, safety, or welfare of the participant, individuals with whom the participant resides, and those who interact with the participant in order to deliver the PCSP.

A participant's service provider must document the outcomes of risk mitigation strategies. Documentation must demonstrate due diligence in addressing risks with the participant and members of the person-centered team. If a participant refuses to engage in risk mitigation strategies and accepts risks, the service provider is responsible to assess the participant's understanding of risks and potential consequences. The service provider is responsible to educate the participant when risks impede the ability of providers to safely and effectively deliver services, which is a violation of a participant's signed rights and responsibilities form and must make participants aware of disruption or loss of service due to ongoing risks that are not mitigated. The service provider must proceed in this manner with any participants with an appointed guardian with decision-making authority.

If concern exists that a participant may not demonstrate understanding of risk and consequence, the service provider is expected to refer participants to child or adult protective services to address any possible self-neglect, caregiver neglect, or other abuse/neglect/exploitation issues that may exist. The service provider and all Medicaid funded providers are required to cooperate with protective service investigations. Findings of an investigation may prompt necessary adjustment to the PCSP, in which case the RN Supervisor should proceed with adjustment to the PCSP in accordance with the process outlined to make an event-based modification to the PCSP as established Section D-1.c.D.1-5.

Additional risk mitigation occurs in response to critical incident investigation and remediation, as described in Appendix G.

## D-1: Service Plan Development (6 of 8)

- f. Informed Choice of Providers.** *Describe how participants are assisted in obtaining information about and selecting from among qualified providers of the waiver services in the service plan.*

The participant's RN Supervisor is required to provide information about available services including, but not limited to:

- Medicaid state plan funded services, non-Medicaid paid or unpaid supports that may support the participant's home and community-based needs
- Traditional options
- Services available on their 1915(c) waiver and how they can assist the participant to advance goals as specified in the PCSP
- Available service providers in the area
- Understanding of freedom of choice

The service provider is responsible for assisting the participant and the participant's guardian or authorized representative, if applicable, in choosing his or her providers of services specified in the PCSP. This assistance may include telephonic or on-site visits with participants and their

families, assisting them in accessing the provider listing, answering questions about providers, and informing them or demonstrating use of the Partner Portal system and information housed within. Service providers are trained by DMS to respond to participant inquiries regarding choice of provider in a manner that avoids conflict of interest and/or conveys personal, subjective opinion.

## D-1: Service Plan Development (7 of 8)

### **g. Process for Making Service Plan Subject to the Approval of the Medicaid Agency.**

*Describe the process by which the service plan is made subject to the approval of the Medicaid agency in accordance with 42 CFR §441.301(b)(1)(i):*

Upon completion of the PCSP, it is the responsibility of the service provider to submit the PCSP through the DMS-approved system for review and service authorization. A service authorization shall not be issued without appropriate review and approval.

Once the complete PCSP is submitted, it will undergo system checks and, if indicated, it will be reviewed by DMS. If the PCSP is approved, the participant will receive a letter in the mail. A copy of the notification is also available in the DMS approved system. If the determination results in an adverse decision, the participant will receive an adverse decision notice, which informs of what was denied, why it was denied, and their right to an informal reconsideration and a fair hearing, via certified mail. The service provider is responsible for notifying providers of approval or denial of the completed PCSP.

## D-1: Service Plan Development (8 of 8)

### **h. Service Plan Review and Update.** *The service plan is subject to at least annual periodic review and update to assess the appropriateness and adequacy of the services as participant needs change. Specify the minimum schedule for the review and update of the service plan:*

	<b>Every three months or more frequently when necessary</b>
<b>X</b>	<b>Every six months or more frequently when necessary.</b>
	<b>Every twelve months or more frequently when necessary</b>
	<b>Other schedule</b>  <b><i>Specify the other schedule:</i></b>

**i. Maintenance of Service Plan Forms.** *Written copies or electronic facsimiles of service plans are maintained for a minimum period of 3 years as required by 45 CFR §92.42. Service plans are maintained by the following (check each that applies):*

X	Medicaid agency
	Operating agency
	Case manager
X	<p>Other</p> <p><b>Specify:</b></p> <p>Copies of the PCSP are retained in DMS approved system until after the participant's termination and then maintained electronically for 5 years.</p>

## Appendix D-2: Service Plan Implementation and Monitoring

- a. **Service Plan Implementation and Monitoring.** *Specify: (a) the entity (entities) responsible for monitoring the implementation of the service plan and participant health and welfare; (b) the monitoring and follow-up method(s) that are used; and, (c) the frequency with which monitoring is performed.*

The participant's RN Supervisor is responsible for the coordination and monitoring of all the participant's waiver services included in the PCSP and will assist in identifying and connecting the participant with non-waiver services.

The face-to-face contact must include discussions about:

- Progress toward PCSP goals, including any changes in goals or objectives
- Satisfaction with services delivered via the PCSP
- Confirming any new needs and addressing whether PCSP modification may be necessary
- Review of utilization and cost of utilization
- Any concerns with health, safety, and welfare, and/or risk mitigation needs
- Review of access to any additional community-based supports, including non-Medicaid funded services, to address where additional assistance or linkage may be needed

The RN Supervisor is also responsible to use continued professional judgment in screening for evidence of possible abuse, neglect, or exploitation, and/or the possibility of an unreported critical incident. The participant's RN Supervisor must report all suspected critical incidents, including abuse, neglect, and exploitation concerns as defined in Appendix G.

All contact and monitoring activities, observations, and outcomes must be documented via monthly case notes housed in the DMS-approved system.

- b. **Monitoring Safeguards.** *Select one:*

	Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may not provide other direct waiver services to the participant.
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<b>X</b>	<b>Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may provide other direct waiver services to the participant.</b>
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*The State has established the following safeguards to ensure that monitoring is conducted in the best interests of the participant. Specify:*

Not applicable. Case management is not a service offered under this waiver.

## Appendix D: Participant-Centered Planning and Service Delivery

### Quality Improvement: Service Plan

#### a. Methods for Discovery:

<b>Methods for Discovery:</b>	<i>The State demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.</i>					
<b>Sub-assurance:</b>	<i>Service plans address all participants assessed needs (including health and safety risk factors) and personal goals, either by the provision of waiver services or through other means.</i>					
<b>Performance measure:</b>	Percent of service plans with documented risk mitigation information. N=number of service plans with a risk assessment that also have risk mitigation information. D=Number of service plans reviewed.					
<b>Data Source: Service plan documentation</b>						
	<b>Responsible Party for data collection/generation (check each that applies):</b>		<b>Frequency of data collection/generation (check each that applies):</b>		<b>Sampling Approach (check each that applies)</b>	
	X	State Medicaid Agency		Weekly	X	100% Review
		Operating Agency		Monthly		Less than 100% Review  Confidence interval:
		Sub-State Entity	X	Quarterly		Representative Sample  Confidence interval=
	X	Other Specify: Delegated Entity	X	Annually		Stratified.  Describe Group:
				Continuously and Ongoing		Other

						Specify:
				Other		
				Specify:		
<b>Data Aggregation and Analysis</b>						
	<b>Responsible Party for data aggregation and analysis (check each that applies):</b>			<b>Frequency of data aggregation and analysis (check each that applies):</b>		
	X	State Medicaid Agency			Weekly	
		Operating Agency			Monthly	
		Sub-State Entity		X	Quarterly	
		Other		X	Annually	
		Specify:				
					Continuously and Ongoing	
					Other	
					Specify:	

<b>Methods for Discovery:</b>	The State demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.					
<b>Sub-assurance:</b>	Service plans address all participants assessed needs (including health and safety risk factors) and personal goals, either by the provision of waiver services or through other means.					
<b>Performance measure:</b>	Percent of participants surveyed who said that their RN Supervisor gets them what they need as indicated. N= All respondents who said that their case manager gets them what they need. D= All participants who responded to that question.					
<b>Data Source: Participant survey data</b>						
	<b>Responsible Party for data collection/generation (check each that applies):</b>		<b>Frequency of data collection/generation (check each that applies):</b>		<b>Sampling Approach (check each that applies)</b>	
	X	State Medicaid Agency		Weekly		100% Review
		Operating Agency		Monthly	X	Less than 100% Review
		Sub-State Entity	X	Quarterly		Confidence interval: 95% Representative Sample
	X	Other	X	Annually		Confidence interval= Stratified.

		<i>Specify: Delegated Entity</i>				<i>Describe Group:</i>
				<i>Continuously and Ongoing</i>		<i>Other</i>
				<i>Other</i>		<i>Specify:</i>
<b>Data Aggregation and Analysis</b>						
	<b>Responsible Party for data aggregation and analysis (check each that applies):</b>			<b>Frequency of data aggregation and analysis (check each that applies):</b>		
	X	<i>State Medicaid Agency</i>			<i>Weekly</i>	
		<i>Operating Agency</i>			<i>Monthly</i>	
		<i>Sub-State Entity</i>		X	<i>Quarterly</i>	
		<i>Other</i>		X	<i>Annually</i>	
		<i>Specify:</i>				
					<i>Continuously and Ongoing</i>	
					<i>Other</i>	
					<i>Specify:</i>	

<b>Methods for Discovery:</b>	<i>The State demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.</i>					
<b>Sub-assurance:</b>	<i>Service plans are updated/revised at least annually or when warranted by changes in the waiver participant s needs.</i>					
<b>Performance measure:</b>	Percent of waiver participants whose service plans were updated and submitted prior to the annual recertification date. N= Number of waiver participants whose service plans were updated and submitted prior to the annual recertification date. D= Number of participants whose service plans were updated and submitted.					
<b>Data Source: Service plan documentation</b>						
	<b>Responsible Party for data collection/generation (check each that applies):</b>		<b>Frequency of data collection/generation (check each that applies):</b>		<b>Sampling Approach (check each that applies)</b>	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>	X	<i>100% Review</i>
		<i>Operating Agency</i>		<i>Monthly</i>		<i>Less than 100% Review</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>		<i>Confidence interval: Representative Sample</i>

						<i>Confidence interval=</i>
	X	<i>Other</i> <i>Specify: Delegated Entity</i>	X	<i>Annually</i>		<i>Stratified.</i>  <i>Describe Group:</i>
				<i>Continuously and Ongoing</i>		<i>Other</i> <i>Specify:</i>
				<i>Other</i> <i>Specify:</i>		

#### Data Aggregation and Analysis

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>
		<i>Operating Agency</i>		<i>Monthly</i>
		<i>Sub-State Entity</i>	X	<i>Quarterly</i>
		<i>Other</i> <i>Specify:</i>	X	<i>Annually</i>
				<i>Continuously and Ongoing</i>
				<i>Other</i> <i>Specify:</i>

<b>Methods for Discovery:</b>	<i>The State demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.</i>					
<b>Sub-assurance:</b>	<i>Services are delivered in accordance with the service plan, including the type, scope, amount, duration and frequency specified in the service plan.</i>					
<b>Performance measure:</b>	The percent of records reviewed that demonstrate that the correct type, amount, scope and frequency of services were provided according to the person-centered plan. N=the number of records reviewed that demonstrate that the correct type, amount, scope and frequency of services were provided according to the person-centered plan. D=Number of records reviewed.					
<b>Data Source: Service plan documentation</b>						
	<b>Responsible Party for data collection/generation (check each that applies):</b>		<b>Frequency of data collection/generation (check each that applies):</b>		<b>Sampling Approach (check each that applies</b>	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>		<i>100% Review</i>
		<i>Operating Agency</i>		<i>Monthly</i>	X	<i>Less than 100% Review</i>

						Confidence interval: 95%
		Sub-State Entity	X	Quarterly		Representative Sample
	X	Other Specify: Delegated Entity	X	Annually		Confidence interval= Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		
<b>Data Aggregation and Analysis</b>						
	<b>Responsible Party for data aggregation and analysis (check each that applies):</b>			<b>Frequency of data aggregation and analysis (check each that applies):</b>		
	X	State Medicaid Agency			Weekly	
		Operating Agency			Monthly	
		Sub-State Entity		X	Quarterly	
		Other Specify:		X	Annually	
					Continuously and Ongoing	
					Other Specify:	

<b>Methods for Discovery:</b>	The State demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.					
<b>Sub-assurance:</b>	Participants are afforded choice: Between waiver services and institutional care; and between/among waiver services and providers.					
<b>Performance measure:</b>	Percent of waiver participant records with an appropriately completed and signed freedom of choice form specifying choice was offered between waiver services and institutional care, waiver services and waiver providers. N= Number of participant records with an appropriately completed and signed freedom of choice form. D= Number of participant records.					
<b>Data Source: Service plan documentation</b>						
	<b>Responsible Party for data collection/generation (check each that applies):</b>		<b>Frequency of data collection/generation (check each that applies):</b>		<b>Sampling Approach (check each that applies)</b>	
	X	State Medicaid Agency		Weekly	X	100% Review

		Operating Agency		Monthly		Less than 100% Review Confidence interval:
		Sub-State Entity	X	Quarterly		Representative Sample Confidence interval=
		Other Specify:	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		
<b>Data Aggregation and Analysis</b>						
	<b>Responsible Party for data aggregation and analysis (check each that applies):</b>			<b>Frequency of data aggregation and analysis (check each that applies):</b>		
	X	State Medicaid Agency			Weekly	
		Operating Agency			Monthly	
		Sub-State Entity		X	Quarterly	
		Other Specify:		X	Annually	
					Continuously and Ongoing	
					Other Specify:	

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

DMS will review critical incidents and waiver service and state plan utilization for appropriate response to need. DMS will track, trend, and review grievances and complaints for system wide issues.

**b. Method for Remediation/Fixing Individual Problems**

- i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.

If DMS or its designee determines an identified need noted on the assessment has not been addressed on the PCSP, DMS or its designee will issue written notification to the provider requiring additional information as to how these needs will be addressed.

Identified individual problems are researched and addressed by DMS or its designee. If issues are noted, DMS will follow the policies and procedures as noted in (Insert Certified Waiver KAR).

#### Remediation Data Aggregation

##### Remediation-related Data Aggregation and Analysis (including trend identification).

Responsible Party (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
X	State Medicaid Agency		Weekly
	Operating Agency		Monthly
	Sub-State Entity	X	Quarterly
X	Other	X	Annually
	Specify:		
			Continuously and Ongoing
			Other
			Specify:

#### c. Timeline

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Service Plans that are currently non-operational.

X	No
	<b>Yes</b> Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for this operation.

## Appendix E: Participant Direction of Services

**Applicability** (from Application Section 3, Components of the Waiver Request):

	<b>Yes. This waiver provides participant direction opportunities. Complete the remainder of the Appendix.</b>
X	<b>No. This waiver does not provide participant direction opportunities. Do not complete the remainder of the Appendix.</b>

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*Appendix E is not applicable to this waiver.*

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## Appendix F-1: Opportunity to Request a Fair Hearing.

***Procedures for Offering Opportunity to Request a Fair Hearing.*** Describe how the individual (or his/her legal representative) is informed of the opportunity to request a fair hearing under 42 CFR Part 431, Subpart E. Specify the notice(s) that are used to offer individuals the opportunity to request a Fair Hearing. State laws, regulations, policies and notices referenced in the description are available to CMS upon request through the operating or Medicaid agency.

Participants are first informed of their right to an administrative hearing, the reconsideration, and the grievance processes during the initial face-to-face visit through distribution of the waiver welcome packet. Verification that the participant has been informed of their rights to an administrative hearing is obtained by signature of the participant on the DMS approved form. A participant may request assistance from their CM to submit a request for an administrative hearing. If the participant does not have a CM, or would prefer assistance from another party, the following entities may assist participants with filing an administrative hearing request:

1. Office of the Ombudsman
2. Kentucky Protection and Advocacy
3. Office of Legal Support
4. By calling the Medicaid Waiver Help Desk

Materials provided to the participant include the participant's rights and process to request an administrative hearing in the event of one of the following adverse actions:

- a. not providing a participant the choice of home and community based services as an alternative to institutional care
- b. denying a participant the service(s) of their choice, service delivery option of their choice, or the provider(s) of their choice
- c. actions to deny, suspend, reduce, or terminate services.

All administrative hearings are handled by the Hearing and Appeals Branch of the Cabinet for Health and Family Services (CHFS).

Participants who are denied level of care, suspension, reduction, or termination of services are issued written notification of appeal rights at the time of adverse action. These rights are contained as a part of the adverse action notices issued by DMS or its designee. When this function is conducted by a designee, DMS or its designee will develop all templates and perform oversight activities to ensure timeliness and that the adverse action notice includes the following:

- Appropriate denial or change information;
- Administrative hearing rights;
- Instructions for reconsideration or administrative hearing; and
- Contact information to request assistance with a request for appeal.

All administrative hearing rights are outlined in 907 KAR 1:563 which requires written notification of appeal rights to the participant and stipulates that participants must request, in writing, an administrative hearing within thirty (30) calendar days of the date of the notification. Services will continue as previously indicated in the person-centered service plan (PCSP) prior to the adverse action if the request for an administrative hearing is made within ten (10) calendar days. The notices are generated electronically at the time of an adverse action, delivered, via certified mail, to the participant and the participant's guardian or authorized representative, if applicable, delivered electronically to the RN Supervisor, and recorded electronically in the DMS-approved system.

## Appendix F-2: Additional Dispute Resolution Process

- a. **Availability of Additional Dispute Resolution Process.** *Indicate whether the State operates another dispute resolution process that offers participants the opportunity to appeal decisions that adversely affect their services while preserving their right to a Fair Hearing. Select one:*

	<b>No. This Appendix does not apply</b>
X	<b>Yes. The State operates an additional dispute resolution process</b>

- b. **Description of Additional Dispute Resolution Process.** *Describe the additional dispute resolution process, including: (a) the State agency that operates the process; (b) the nature of the process (i.e., procedures and timeframes), including the types of disputes addressed through the process; and, (c) how the right to a Medicaid Fair Hearing is preserved when a participant elects to make use of the process: State laws, regulations, and policies referenced in the description are available to CMS upon request through the operating or Medicaid agency.*

A reconsideration is an optional process that provides the participant an opportunity to resolve the adverse action outside of the administrative hearing process while still retaining the option to pursue an administrative hearing in the future. The reconsideration is also the most efficient and quickest way to resolve an adverse action.

The participant may request an administrative hearing immediately following an adverse action notice or after they have pursued the reconsideration process. Furthermore, the reconsideration process is not a pre-request for an administrative hearing. Participants are first informed of the reconsideration process during the initial functional assessment, at the same time they are informed of the administrative hearing, and complaint and grievance process. Additionally, participants are informed of those processes annually upon re-assessment and in any adverse action notice.

DMS provides for a reconsideration process. This process is operated by DMS or its designee. This reconsideration process is summarized in the following steps:

1. The provider, participant, or the participant's guardian/authorized representative acting on the participant's behalf can request a reconsideration.
  - A reconsideration request must be made in writing and can be submitted to DMS via U.S. Mail or by email. Participants with a disability that prevents them from submitting a request in writing can call the DMS Division of Community Alternatives for assistance.
  - Reconsideration requests must be postmarked within fourteen (14) calendar days from the date of the written notice of adverse action.
  - Reconsideration requests postmarked or dated and timestamped more than fourteen (14) calendar days from the date of the written notice of adverse action are considered invalid. The individual making the request will receive an out of timeframe letter notifying them that the request was not made in the proper timeframe.

If a reconsideration request is made after the fourteen (14) calendar day timeframe ends, the provider, participant, or the participant's guardian/authorized representative acting on the participant's behalf can still request an administrative hearing.

- The out of timeframe letter will explain the right to an administrative hearing and the process for requesting one as described in Appendix F-1.

- A request for an administrative hearing must be made in writing and postmarked within thirty (30) calendar days of the initial written notice of adverse action. Requests for an administrative hearing cannot be made via email.
2. DMS or its designee will conduct the reconsideration, render a determination, and send a letter to the provider, participant and participant's guardian or authorized representative, if applicable, within the timeframe set forth in [insert KAR]. If the adverse action is upheld, the letter will be sent via certified mail. If the adverse action is overturned, the letter will be postmarked within the timeframe referenced in [Insert KAR].
  3. If the reconsideration determination upholds or modifies the original decision resulting in an adverse action, the participant, the participant's guardian or the participant's authorized representative may request an administrative hearing. Information on how to request an administrative hearing is included in the reconsideration determination letter. The participant has thirty (30) calendar days from the reconsideration determination to request an administrative hearing. The request must be received or postmarked within thirty (30) calendar days of the reconsideration determination letter. If the request is received or postmarked within ten (10) calendar days, previously approved services of the reconsideration determination letter, services will continue until receipt of the final order. Administrative Hearings are handled by the Hearing and Appeals Branch of CHFS as described in section F-1.

## Appendix F-3: State Grievance/Complaint System

### a. Operation of Grievance/Complaint System. Select One:

	<b>No. This Appendix does not apply</b>
X	<b>Yes. The State operates a grievance/complaint system that affords participants the opportunity to register grievances or complaints concerning the provision of services under this waiver</b>

### b. Operational Responsibility. *Specify the State agency that is responsible for the operation of the grievance/complaint system:*

Participants have the opportunity to register grievances and complaints concerning the provision of services by waiver providers.

The grievances and complaints system shall be operated by the Department for Medicaid Services (DMS).

Filing a grievance or complaint is not a pre-requisite or substitution for a reconsideration or administrative hearing.

### c. Description of System. *Describe the grievance/complaint system, including: (a) the types of grievances/complaints that participants may register; (b) the process and timelines for addressing grievances/complaints; and, (c) the mechanisms that are used to resolve grievances/complaints. State laws, regulations, and policies referenced in the description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).*

Waiver participants may register any grievance or complaint regarding waiver service provision or RN Supervisors by contacting DMS via the Medicaid Waiver Help Desk, via email, or via mail. A complaint or grievance can be submitted at any time. These complaints and grievances are documented in a central database administered by DMS. All complaints and grievances are tracked and trended by DMS to

identify if additional provider trainings and participant education opportunities should be developed and conducted.

A complaint is an expression of dissatisfaction from the participant regarding some aspect of their 1915(c) waiver service delivery or experience that does not require follow up as determined by the categorization process described below.

A grievance is an expression of dissatisfaction from the participant due, in part or in full, to the failure of DMS, or a provider to adhere to established operating procedures, regulations, and waiver requirements. Grievances may require DMS follow up and resolution as determined by the categorization process described below.

Upon receiving a complaint or grievance, DMS will immediately assess and categorize the gravity of the grievance or complaint and determine if an immediate response, timely response or acknowledgement of the grievance or complaint is required.

1. An immediate response is necessary if a participant's health, safety, or welfare are jeopardized. Grievances will be addressed and the appropriate parties notified immediately of learning of the event. DMS will contact the participant via his/her preferred method of communication once the grievance is resolved and throughout the investigation as necessary.
2. DMS will provide a timely response if a grievance requires action to be taken but does not put the health, safety, or welfare of the participant in jeopardy. These responses will be addressed as soon as possible. Some action, including opening an investigation and notifying the appropriate parties, must be taken within seven (7) calendar days of receiving the grievance. Resolution of the grievance is dependent on the nature of the grievance and resolution is not required to occur within seven (7) calendar days. DMS will contact the participant via his/her preferred method of communication once the grievance is resolved.
3. If no action is necessary, DMS will document the complaint within the DMS-approved system.

During this complaint/grievance assessment, DMS will determine if other agencies are responsible for licensure, certification, or monitoring of the provider and will notify or involve these agencies as appropriate. DMS will also determine if the grievance/complaint meets the definition of a critical incident as specified in Appendix G. If a critical incident has occurred, DMS will alert the appropriate parties and follow the process described in Appendix G of this waiver application.

Lastly, DMS will require all waiver service providers to implement policies and procedures to address participant complaints and grievances independently from the state complaint/grievance process. The providers are required to educate all participants regarding the procedure and provide adequate resolution in a timely manner. The provider grievances and appeals are monitored by DMS through certification and on-site monitoring during surveys, investigations, and technical assistance visits.

## Appendix G: Participant Safeguards

### Appendix G-1: Response to Critical Events of Incidents

- a. **Critical Event or Incident Reporting and Management.** *Indicate whether the State operates Critical Event or Incident Reporting and Management Process that enables the State to collect information on sentinel events occurring in the waiver program. Select one:*

<b>X</b>	<b>Yes. The State operates a Critical Event or Incident Reporting and Management Process</b> (complete Items b through e)
	<b>No. This Appendix does not apply</b> (do not complete Items b through e)

	<i>If the State does not operate a Critical Event or Incident Reporting and Management Process, describe the process that the State uses to elicit information on the health and welfare of individuals served through the program.</i>
--	---

**b. State Critical Event or Incident Reporting Requirements**

*Specify the types of critical events or incidents (including alleged abuse, neglect and exploitation) that the State requires to be reported for review and follow-up action by an appropriate authority, the individuals and/or entities that are required to report such events and incidents and the timelines for reporting. State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).*

The Commonwealth is responsible to provide a reporting process and investigation of cases of abuse, neglect, and exploitation (ANE) of waiver participants using the following Kentucky statutes and administrative regulations:

- “Abuse” as defined in KRS 209.020(8) and 922 KAR 5:070
- “Sexual Abuse” as defined in KRS 600.020(58)
- “Exploitation” as defined in KRS 209.020(9) and 922 KAR 5:070
- “Neglect” as defined in KRS 209.020(16) and 922 KAR 5:070

For organizational and prioritization purposes, the Department for Medicaid Services (DMS) classifies incidents into non-critical incidents and critical incidents, which DMS defines as follows. Other sections of this appendix describe the process for categorizing and investigating these incidents:

- Non-critical incidents include:
  - Use of emergency medical care due to an emergent episode of an illness that does not require hospital admission
  - Provider administered medication errors that do not result in medical intervention
  - Minor motor vehicle accidents of a participant while receiving Medicaid reimbursed services
  - Moderate injury
- Critical incidents include:
  - Elopement or missing person
  - Incidents involving law enforcement intervention
  - Provider administered medication errors that require medical intervention
  - Serious behaviors
  - Suspected abuse, neglect, or exploitation of a participant including:
    - Mental Abuse
    - Sexual Abuse
    - Physical Abuse
    - Neglect
    - Self-Neglect

- Exploitation
  - Unnatural Death
  - Natural Death
  - Provider's use of a physical or chemical restraint or seclusion
  - Unplanned hospital admission
  - Theft of participant's personal property or funds
  - Three or more slips and falls in a three (3) month period
  - Three or more non-critical incidents of the same incident type in a three (3) month period
  - Three or more consecutive missed doses of the same medication
  - Any other situation affecting the health, safety, and welfare of the participant

Identification of the individuals/entities that must report critical events and incidents:

Any individual who witnesses or discovers a critical or non-critical incident is responsible to report it. This includes, but is not limited to, all persons as defined in KRS 209.030(2) and KRS 620.030.

The timeframes within which critical and non-critical incidents must be reported:

Any individual who witnesses or discovers an incident should immediately take steps to ensure the participant's health, safety, and welfare, and notify the necessary authorities, including calling law enforcement and reporting any suspected ANE or financial exploitation to the Department for Community Based Services (DCBS). DCBS is part of the Cabinet for Health and Family Services (CHFS) and operates both Adult and Child Protective Services (APS and CPS).

For critical incidents, the participant's guardian/authorized representative shall be notified immediately following notifications to law enforcement and/or APS/CPS, unless he/she has suspected involvement. DMS defines "immediately" as making the notification as soon as possible but no later than eight (8) hours after the incident. The participant's case manager (CM) shall also be notified immediately. DMS shall be notified via a critical incident report entered into the DMS-approved system or other approach approved by DMS by the CM, or provider. If the critical incident is discovered or occurs during regular business hours, DMS must be notified the same day. If the critical incident occurs or is discovered outside of regular business hours, defined as 8:00 a.m. to 4:00 p.m. EST Monday through Friday and excluding state and federal holidays, DMS must be notified the next business day. The provider agency must begin its investigation into the critical incident immediately upon occurrence or discovery and submit a full, written investigative report to DMS within five (5) business days.

For non-critical incidents, the participant's guardian and/or authorized representative and CM shall be notified within twenty-four (24) hours upon occurrence or discovery of the incident. DMS shall be notified via a critical incident report entered into the DMS-approved system or other approach approved by DMS by the CM, or provider. If the non-critical incident is discovered or occurs during regular business hours, DMS shall be notified the same day. If the non-critical incident occurs or is discovered outside of regular business hours, DMS shall be notified the next business day. The provider agency shall identify the root cause and conduct risk mitigation. The provider agency describes its risk mitigation strategy on its initial report to DMS.

DMS or its designee reviews critical and non-critical incident summary data generated by the DMS approved system to identify systemic issues and conduct follow-up activities as warranted. The method of reporting:

DCBS operates both a telephone hotline and an online system for reporting suspected ANE of an adult or child. Reporters can reach the Child Protection Hotline, toll-free, at 1-877-597-2331 to report suspected ANE of both an adult or child. The phone line is staffed twenty-four (24) hours a day, seven (7) days a week including weekends and holidays. Reporters can also contact their local DCBS office to report suspected ANE.

There is also an online system for reporting suspected ANE. This system is available for reporting non-emergency situations that do not require an urgent response. The website is monitored from 8:00 a.m. to 4:30 p.m. EST, Monday through Friday. Reports are not reviewed on evenings, weekends, or state holidays. If a child or adult is at immediate risk of abuse or neglect that could result in serious harm or death, it is considered an emergency and should be reported to local law enforcement or 911.

Any person making such a report shall provide the following information, if known:

- (a) The name, age, and address or location where the child or adult can be found and/or any other person responsible for their care
- (b) The nature and extent of the ANE, including any evidence of previous ANE
- (d) The identity of the suspected perpetrator
- (e) The name and address of the reporter, if they choose to be identified
- (f) Any other information that the person believes might be helpful in establishing the cause of the abuse, neglect, or exploitation.

Those who witness or discover a non-critical or critical incident shall report it to DMS using the DMS-approved system. It is the provider's responsibility to contact all pertinent entities including but not limited to CM, law enforcement, and protective services.

### **c. Participant Training and Education**

*Describe how training and/or information is provided to participants (and/or families or legal representatives, as appropriate) concerning protections from abuse, neglect, and exploitation, including how participants (and/or families or legal representatives, as appropriate) can notify appropriate authorities or entities when the participant may have experienced abuse, neglect or exploitation.*

It is a responsibility of the participant's chosen CM to ensure that the participant and their caregiver are educated about ANE and the methods available to report ANE.

During the CM initial visit with the participant, the CM provides information and resources to the participant, the participant's guardian and/or authorized representative, if applicable, and anyone else designated by the participant regarding strategies to identify, prevent, report, and intervene in any instances or potential instances of ANE. Upon completion of this discussion, the CM reviews a DMS approved form developed by DMS with the participant. The participant signs this form, attesting to their understanding of ANE and how these critical incidents can be prevented, reported, and addressed. The CM retains the original of this document and provides the participant and caregiver with a copy for their record. A copy is also uploaded to the DMS approved system and is available to DMS. Participants and their caregivers are asked to attest to their knowledge and training on ANE and critical incidents annually. A copy of contact information for appropriate protection agencies must be provided and explained to each participant and/or guardian/authorized representative, if applicable. Training and communication must be provided to participant in a manner that is appropriate for their learning style.

Depending upon the individual needs of each participant, additional training or information shall be made available and related needs addressed in the participant's person-centered service plan (PCSP).

DMS requires all providers, to complete training on ANE identification and reporting.

**d. Responsibility for Review of and Response to Critical Events or Incidents**

*Specify the entity (or entities) that receives reports of critical events or incidents specified in item G-1-a, the methods that are employed to evaluate such reports, and the processes and time-frames for responding to critical events or incidents, including conducting investigations.*

The response below describes DMS's role in reviewing and responding to critical and non-critical incidents. DMS cooperates with other investigative agencies, including APS/CPS, operating agencies, and law enforcement, to complete investigative activities in a timely manner with minimal stress to the participant.

The entity that receives reports of each type of critical event or incident:

DMS shall be notified of any incident, critical or non-critical, via an incident report uploaded to the DMS-approved system or other approach approved by DMS. This shall be done the same day if the incident occurs or is discovered during regular business hours or the next business day if the incident occurs or is discovered outside of business hours. Suspected ANE must also be reported to DCBS immediately.

The entity that is responsible for evaluating reports and how reports are evaluated:

Upon receiving the report, DMS becomes responsible for evaluating reports. DMS evaluates and classifies the report as a non-critical or critical incident. DMS may upgrade or downgrade an incident based on the report. This takes place within two (2) business days for critical incidents and five (5) business days for non-critical incidents.

(a) A non-critical incident shall:

1. Be reviewed by DMS and appropriately classified as a critical or non-critical incident within five (5) business days. DMS reserves the right to escalate any categorical non-critical incident to a critical incident as circumstances require;
2. Be minor in nature and not create a serious consequence or risk for participants;
3. Not require an on-site DMS or its designee investigation and consist of only desk review, telephonic interview, etc.;
4. Be reported on by the provider to DMS and monitored for future follow-up and intervention as appropriate.

(b) A critical incident shall:

1. Be reviewed by DMS or its designee and appropriately classified as a critical or non-critical incident within two (2) business days and the investigative process will be initiated as appropriate;
2. Be serious in nature;
3. Pose immediate risk to health, safety, or welfare of the participant, co-residing participants, or others;
4. Be investigated and reported on by the provider to DMS. An investigation report must be completed within five (5) business days of the incident;
5. Warrant an on-site DMS investigation as needed.

The timeframes for conducting and completing an investigation:

Individuals who discover or witness an incident shall immediately ensure the participant's health, safety, and welfare, and contact the proper authorities, including law enforcement and/or APS/CPS.

For both critical and non-critical incidents, the participant's guardian/authorized representative and CM shall be notified as soon as the above steps have been taken.

Once these steps have been taken, the provider agency initiates an investigation into the incident based on its classification as follows:

#### Non-Critical Incidents

The provider agency is expected to identify the root cause and conduct risk mitigation. The provider agency describes its risk mitigation strategy on its initial report to DMS.

DMS reviews the non-critical incident within five (5) business days of receiving the non-critical incident report. Based on the report's findings, DMS may require more information or escalate the incident to a critical incident. If the non-critical incident is escalated to a critical incident, the critical incident processes below will apply.

#### Critical Incidents

Provider agencies must initiate investigations of critical incidents immediately upon occurrence or discovery. DMS shall be notified, via an incident report entered into the DMS-approved system, the same day if the incident occurs or is discovered during business hours and the next business day if it occurs or is discovered outside of business hours. DMS or its designee conducts a review of the critical incident within two (2) business days of notification. DMS or its designee may intervene when deemed necessary and conduct an investigation within fourteen (14) business days of notification if the incident involves physical abuse and neglect that results in death or potentially life-threatening or serious injury or illness. APS/CPS and/or law enforcement investigations may take longer. DMS will maintain a memorandum of understanding with APS/CPS regarding the results of investigations and will take appropriate action based on the final outcome. The provider must upload a complete, investigative report on the critical incident within five (5) business days of occurrence or discovery to the DMS approved system. This report only includes provider findings.

All waiver providers are expected to meet the standards set forth in their provider agreement with DMS, DMS ANE training, DMS waiver certification, and/or OIG licensure regarding ANE/critical incident investigations and reporting.

#### The entity that is responsible for conducting investigations and how investigations are conducted:

Providers conduct and upload investigations on critical and non-critical incidents, as warranted, to the DMS approved system.

In opening and initiating an investigation, DMS or its designee contacts and coordinates with APS/CPS, law enforcement, and other responsible agencies immediately if needed. DMS or its designee must conduct investigations in coordination with these parties to ensure the participant's health, safety, and welfare.

DMS or its designee must also assist and support investigations in accordance with Kentucky statute and administrative regulations, including 922 KAR 1:330, 922 KAR 5:070, KRS 620.030, and KRS 209.030.

DMS or its designee will conduct an investigation using methods determined appropriate during the incident classification process, and will intervene to address imminent health, safety, or welfare concerns of a participant as deemed necessary, based on the reporting and investigatory information obtained. As part of the investigation, DMS or its designee may interview parties involved in the incident including provider staff, participants, witnesses, or other parties. In addition, DMS or its designee may request and

review medical reports, claims data, police reports, and other pertinent documentation to support DMS's investigation. If necessary, DMS or its designee may also conduct an on-site investigation to inspect the participant's environment at home or in a provider facility. If the investigation report results in documentation of regulatory non-compliance, a findings letter including citations, impositions of a corrective action plan (CAP), and/or sanctions is generated and sent to the provider agency via mail.

**e. Responsibility for Oversight of Critical Incidents and Events**

*Identify the State agency (or agencies) responsible for overseeing the reporting of and response to critical incidents or events that affect waiver participants, how this oversight is conducted, and how frequently.*

DMS is responsible to oversee reporting of and response to critical incidents affecting waiver participants. DMS or its designee will conduct an investigation and will intervene to address imminent health, safety, or welfare concerns of a participant as deemed necessary. DMS tracks and trends all incident reports. DMS or its designee may conduct follow-up monitoring visits, technical assistance, or provider training as needed, based on trend analysis. Trend analysis monitors the following data elements:

- Nature of the incident
- Frequency of incidents
- Adherence to time standards
- CAP status
- High frequency providers
- Recurring participants
- Rate of unreported incidents identified via MMIS claims data

All incident reports are submitted through the DMS-approved system or other approach approved by DMS. DMS samples a select number of providers and verifies through certification surveys, monitoring visits, or investigations that critical incidents were appropriately addressed and that the provider agency is following up appropriately.

## Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions

- a. Use of Restraints.** *(Select one): (For waiver actions submitted before March 2014, responses in Appendix G-2-a will display information for both restraints and seclusion. For most waiver actions submitted after March 2014, responses regarding seclusion appear in Appendix G-2-c.)*

<b>X</b>	<b>The State does not permit or prohibits the use of restraints</b>
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*Specify the State agency (or agencies) responsible for detecting the unauthorized use of restraints and how this oversight is conducted and its frequency:*

Kentucky recognizes that person-centered thinking and planning is key to prevention of risk of harm for all participants. It is the responsibility of all RN Supervisors to utilize person-centered thinking as a means of crisis prevention.

Kentucky is dedicated to fostering a restraint-free environment in all waiver programs. DMS prohibits the use of mechanical or chemical restraints, seclusion, manual restraints, including any manner of prone (breast-bone down) or supine (spine down) restraint, is prohibited.

DMS also prohibits the use of chemical restraints. DMS defines a chemical restraint as the use of a medication, either over the counter or prescribed, to temporarily control behavior or restrict movement or functioning of a participant and is not a standard treatment for the participant's medical or psychiatric diagnosis.

A psychotropic per required need (PRN) is a pharmacological intervention defined as the administration of medication for an acute episodic symptom of a participant's mental illness or psychiatric condition and is not considered a chemical restraint. All administration must adhere to a physician's order that shall include drug, dosage, directions, and reason for use. The PCSP, risk mitigation form, and behavior support plan, if applicable, shall incorporate the protocol for use of a psychotropic PRN and is applicable to participants in DMS approved provider sites.. These are reviewed annually as part of the person-centered planning process or more often if needed.

DMS is responsible for oversight of the person-centered planning process which includes monitoring of case management reports, incident reports, and complaints. The continuous quality improvement process reveals trends, patterns, and remediation necessary to ensure proper implementation of the PCSP and participant safety.

A participant has the right to be free of any physical or chemical restraints. Any interventions that restrict participant movement, participant access to other individuals, locations or activities, restrict participant rights or employ aversive methods (not including restraints or seclusion) to modify behavior must be reviewed on an annual basis. If a participant's unanticipated violent or aggressive behavior places him/her or others in imminent danger, a restrictive intervention may be used as a last resort to maintain health, safety, and welfare.

State laws, regulations, and policies will be made available to CMS upon request through the Medicaid agency or the operating agency.

	<b>The use of restraints is permitted during the course of the delivery of waiver services. Complete Items G-2-a-i and G-2-a-ii.</b>
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1. **Safeguards Concerning the Use of Restraints.** *Specify the safeguards that the State has established concerning the use of each type of restraint (i.e., personal restraints, drugs used as restraints, mechanical restraints). State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).*

Not applicable.

2. **State Oversight Responsibility** Any incident of restraint or restrictive intervention is considered a critical incident and must be reported to DMS as articulated in G-1-b. If appropriate, the provider, CM, or DMS may make a referral to the appropriate protective service agency. DMS incorporates this oversight into certification reviews, on-site monitoring, and investigations.

Not applicable.

**b. Use of Restrictive Interventions. (Select one):**

<b>X</b>	<b>The State does not permit or prohibits the use of restrictive interventions</b>
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*Specify the State agency (or agencies) responsible for detecting the unauthorized use of restrictive interventions and how this oversight is conducted and its frequency:*

DMS or its designee is responsible for detecting the unauthorized use of restrictive interventions. DMS or its designee incorporates oversight into on-site monitoring and review of critical incidents.

	<b>The use of restrictive interventions is permitted during the course of the delivery of waiver services</b> Complete Items G-2-b-i and G-2-b-ii.
--	--

- i. **Safeguards Concerning the Use of Restrictive Interventions.** *Specify the safeguards that the State has in effect concerning the use of interventions that restrict participant movement, participant access to other individuals, locations or activities, restrict participant rights or employ aversive methods (not including restraints or seclusion) to modify behavior. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency.*

Not applicable

- ii. **State Oversight Responsibility.** *Specify the State agency (or agencies) responsible for monitoring and overseeing the use of restrictive interventions and how this oversight is conducted and its frequency:*

Not applicable

- c. **Use of Seclusion.** *(Select one): (This section will be blank for waivers submitted before Appendix G-2-c was added to WMS in March 2014, and responses for seclusion will display in Appendix G-2-a combined with information on restraints.)*

X	<b>The State does not permit or prohibits the use of seclusion</b>
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*Specify the State agency (or agencies) responsible for detecting the unauthorized use of seclusion and how this oversight is conducted and its frequency:*

DMS or its designee is responsible for detecting the unauthorized use of seclusion, as described in section G-2-a. DMS or its designee incorporates oversight into on-site monitoring and review of critical incidents.

## Appendix G-3: Medication Management and Administration

*This Appendix must be completed when waiver services are furnished to participants who are served in licensed or unlicensed living arrangements where a provider has round-the-clock responsibility for the health and welfare of residents. The Appendix does not need to be completed when waiver participants are served exclusively in their own personal residences or in the home of a family member.*

- a. **Applicability.** *Select one:*

	<b>No. This Appendix is not applicable</b> <i>(do not complete the remaining items)</i>
X	<b>Yes. This Appendix applies</b> <i>(complete the remaining items)</i>

- b. **Medication Management and Follow-Up**

- i. **Responsibility.** *Specify the entity (or entities) that have ongoing responsibility for monitoring participant medication regimens, the methods for conducting monitoring, and the frequency of monitoring.*

Entity (entities) that have responsibility for monitoring medication regimens:

Licensed waiver providers are responsible for monitoring participant medication regimens in residential and day service settings.

The methods for conducting monitoring of medication regimens:

Waiver providers are required to follow the guidelines indicated below for administration of medication:

Unless the employee is a licensed or registered nurse, ensure that staff administering medication:

1. Have DMS-approved training on cause and effect and proper administration and storage of medication, documentation requirements, and appropriate disposal. Training must occur at time of hire, annually, and as needed. Attendance and competency must be documented and maintained in provider personnel records.
2. Documentation of all medication administered, including self-administered, over-the-counter drugs, on a medication administration record (MAR), with the date, time, and initials of the person who administered the medication and supervisor's validate appropriate administration and documentation through a process approved by DMS or its designee.. DMS or its designee reviews during the certification processes. DMS or its designee conducts certification every two (2) years or more frequently if necessary.
3. Ensure the medication shall:
  - a. Be kept in a locked cabinet or storage unit;
  - b. Be kept in a pharmacy labeled container or original package with participant's name and expiration date;
  - c. Be properly disposed of as needed;
  - d. If a controlled substance, be kept under double lock. Documented by a cumulative monthly log with drug name and dosage with a daily medication count verified by two individuals with signature, title, date, and time.

In addition, waiver providers are required to have policy and procedures for on-going monitoring of medication administration, which must be approved by DMS or its designee.

Frequency of medication regimen monitoring:

- ii. A provider agency supervisor should verify appropriate administration of medication on a frequency approved by DMS or its designee during the provider certification and re-certification process
- Methods of State Oversight and Follow-Up.** *Describe: (a) the method(s) that the State uses to ensure that participant medications are managed appropriately, including: (a) the identification of potentially harmful practices (e.g., the concurrent use of contraindicated medications); (b) the method(s) for following up on potentially harmful practices; and, (c) the State agency (or agencies) that is responsible for follow-up and oversight.*

DMS or its designee is responsible for oversight of medication management practices by licensed waiver providers. This oversight begins with review and approval of providers' policy and procedures for on-going monitoring of medication administration. DMS or its designee assesses medication administration policies, practices, and record-keeping, and necessary interventions employed, as part of the certification

and on-site monitoring process, which occurs at least every two (2) years. In addition, all medication errors must be reported through the incident reporting system, as defined in G-1-d.

Providers deemed non-compliant with medication management requirements may receive technical assistance, CAPs, or sanctions depending on the frequency and severity of the non-compliant action. DMS or its designee conducts additional evaluation and investigation for any medication error classified as a critical incident and any recurrent errors classified as a critical incident, which is defined as three incidents occurring within the same provider location, within a three-month period, regardless of whether it is the same staff member responsible for the error.

**c. Medication Administration by Waiver Providers**

**i. Provider Administration of Medications. Select one:**

	<b><i>Not applicable. (do not complete the remaining items)</i></b>
<b>X</b>	<b><i>Waiver providers are responsible for the administration of medications to waiver participants who cannot self-administer and/or have responsibility to oversee participant self-administration of medications. (complete the remaining items)</i></b>

**ii. State Policy. Summarize the State policies that apply to the administration of medications by waiver providers or waiver provider responsibilities when participants self-administer medications, including (if applicable) policies concerning medication administration by non-medical waiver provider personnel. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).**

Licensed waiver providers may be responsible for medication administration. Those who choose to be responsible receive training on medication administration. G-3-b-I of this appendix describes the DMS policy regarding medication regimen reviews. In addition to these monitoring standards, the Commonwealth provides guidance to providers through state law, regulations, and policies. State laws, regulations, and policies will be made available to CMS upon request through the Medicaid agency or the operating agency.

**iii. Medication Error Reporting. Select one of the following:**

<b>X</b>	<b><i>Providers that are responsible for medication administration are required to both record and report medication errors to a State agency (or agencies). Complete the following three items:</i></b>
----------	--

**a. Specify State agency (or agencies) to which errors are reported:**

All errors are reported to the DMS through the DMS approved incident reporting system and investigated in accordance with section G-1-D of this appendix.

**b. Specify the types of medication errors that providers are required to record:**

A medication error occurs when a participant receives an incorrect drug, dose, form, quantity, route, concentration, or rate of administration from a provider. A medication error is also defined as the variance of the administration of a drug on a schedule other than intended in the prescription instructions. Therefore, a missed dose or a dose administered more than one hour before or after the scheduled time

constitutes a medication error. Providers must record two levels of medication errors while a participant is in their care as follows:

Non-critical: Incidents in which the person experienced no or minimal adverse consequences and no treatment or intervention other than monitoring or observation was required.

Critical: Incidents in which the person experienced short term, reversible adverse consequences and treatment or intervention was needed in addition to monitoring and observation OR incidents in which the person experienced life- threatening or permanent adverse consequences.

c. *Specify the types of medication errors that providers must report to the State:*

All medication errors as defined in section G-3-c-iii-b must be reported to the State. Providers must report non-critical errors following the non-critical incident timeframes set forth in section G-1-B. Providers must report critical errors following the critical incident timeframes set forth in section G-1-B.

iv. **State Oversight Responsibility.** *Specify the State agency (or agencies) responsible for monitoring the performance of waiver providers in the administration of medications to waiver participants and how monitoring is performed and its frequency.*

DMS or its designee is responsible for monitoring waiver providers' performance in administration of medication. This oversight begins with review and approval of provider policy and procedures for on-going monitoring of medication administration. DMS or its designee assesses medication administration policies, practices, and record-keeping, and necessary interventions employed, as part of the certification, on-site monitoring, and incident reporting process, which occurs as deemed necessary by DMS or its designee. In addition, all medication errors must be reported through the incident reporting system and will be followed up on as warranted.

## Appendix G: Participant Safeguards

### Quality Improvement: Health and Welfare

a. **Methods for Discovery:**

<b>Methods for Discovery:</b>	<i>The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare.</i>					
<b>Sub-assurance:</b>	<i>The state demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death</i>					
<b>Performance measure:</b>	Percent of waiver individuals (or families/legal guardians) who received information on how to report abuse, neglect, exploitation and unexplained death. N= Number of waiver participants (or families/legal guardians) who received information on how to report abuse, neglect, exploitation and unexplained death when asked during participant satisfaction surveys. D= Number of waiver participants included in participant satisfaction surveys.					
<b>Data Source: Case Management Monitoring documentation</b>						
	<b>Responsible Party for data collection/generation (check each that applies):</b>		<b>Frequency of data collection/generation (check each that applies):</b>		<b>Sampling Approach (check each that applies)</b>	
	X	State Medicaid Agency		Weekly	X	100% Review

		Operating Agency		Monthly		Less than 100% Review  Confidence interval: 95%
		Sub-State Entity	X	Quarterly		Representative Sample  Confidence interval=
	X	Other Specify: Delegated Entity	X	Annually		Stratified.  Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		

#### Data Aggregation and Analysis

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly
		Operating Agency		Monthly
		Sub-State Entity	X	Quarterly
		Other Specify:	X	Annually
				Continuously and Ongoing
				Other Specify:

<b>Methods for Discovery:</b>	<i>The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare.</i>					
<b>Sub-assurance:</b>	<i>The state demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death</i>					
<b>Performance measure:</b>	Percent of abuse, neglect, exploitation and unexplained death incidents reported within the required timeframe. N= Number of critical incident reports of potential abuse, neglect, exploitation and unexplained death submitted in timeframe. D= Number of critical incident reports of potential abuse, neglect, exploitation and unexplained death					
<b>Data Source: Critical incident documentation</b>						
	<b>Responsible Party for data collection/generation (check each that applies):</b>		<b>Frequency of data collection/generation (check each that applies):</b>		<b>Sampling Approach (check each that applies</b>	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>		<i>100% Review</i>

		Operating Agency		Monthly	X	Less than 100% Review  Confidence interval: 95%
		Sub-State Entity	X	Quarterly		Representative Sample  Confidence interval=
	X	Other Specify: Delegated Entity	X	Annually		Stratified.  Describe Group:
				Continuously and Ongoing		Other  Specify:
				Other Specify:		

#### Data Aggregation and Analysis

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly
		Operating Agency		Monthly
		Sub-State Entity	X	Quarterly
		Other Specify:	X	Annually
				Continuously and Ongoing
				Other Specify:

<b>Methods for Discovery:</b>	The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare.
<b>Sub-assurance:</b>	The state demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death
<b>Performance measure:</b>	Percent of abuse, neglect, exploitation and unexplained death incidents reviewed/investigated within the required timeframe. N= Number of critical incident reports of potential abuse, neglect, exploitation and unexpected death that were reviewed/investigated within the required timeframe. D= Number of critical incidents received.

#### Data Source: Critical incident documentation

	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	State Medicaid Agency		Weekly		100% Review

		Operating Agency		Monthly	X	Less than 100% Review  Confidence interval: 95%
		Sub-State Entity	X	Quarterly		Representative Sample  Confidence interval=
X		Other Specify: Delegated Entity	X	Annually		Stratified.  Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		

#### Data Aggregation and Analysis

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly
		Operating Agency		Monthly
		Sub-State Entity	X	Quarterly
		Other Specify:	X	Annually
				Continuously and Ongoing
				Other Specify:

<b>Methods for Discovery:</b>	The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare.
<b>Sub-assurance:</b>	The state demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death
<b>Performance measure:</b>	Percent of substantiated abuse, neglect, exploitation and unexplained death incidents where required/recommended follow-up (safety plans, corrective action plans, provider sanctions, etc.) was completed. N= Number of DMS-required follow-ups completed by providers and submitted to DMS. D=Number of DMS-required follow-ups issued to providers.

#### Data Source: Critical incident documentation

	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	State Medicaid Agency		Weekly		100% Review

		Operating Agency		Monthly	X	Less than 100% Review  Confidence interval: 95%
		Sub-State Entity	X	Quarterly		Representative Sample  Confidence interval=
	X	Other Specify: Delegated Entity	X	Annually		Stratified.  Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		

#### Data Aggregation and Analysis

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly
		Operating Agency		Monthly
		Sub-State Entity	X	Quarterly
		Other Specify:		Annually
				Continuously and Ongoing
				Other Specify:

Methods for Discovery:	The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare.		
Sub-assurance:	The state demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death		
Performance measure:	Percent of substantiated abuse, neglect, exploitation and unexplained death incidents that were referred to appropriate investigative entities (e.g., Law Enforcement, APS/CPS) for follow-up. N=Number of substantiated abuse, neglect, exploitation and unexplained death incidents referred to appropriate investigative entities (e.g., Law Enforcement, APS/CPS) for follow-up. D= Number of substantiated ANE/unexplained death incidents.		
Data Source: Critical incident documentation			
	Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies)

	X	State Medicaid Agency		Weekly		100% Review
		Operating Agency		Monthly	X	Less than 100% Review  Confidence interval:
		Sub-State Entity	X	Quarterly		Representative Sample  Confidence interval=
	X	Other  Specify: Delegated Entity	X	Annually		Stratified.  Describe Group:
				Continuously and Ongoing		Other  Specify:
				Other  Specify:		
<b>Data Aggregation and Analysis</b>						
	<b>Responsible Party for data aggregation and analysis (check each that applies):</b>			<b>Frequency of data aggregation and analysis (check each that applies):</b>		
	X	State Medicaid Agency		Weekly		
		Operating Agency		Monthly		
		Sub-State Entity	X	Quarterly		
		Other  Specify:	X	Annually		
				Continuously and Ongoing		
				Other  Specify:		
<b>Methods for Discovery:</b>	The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare.					
<b>Sub-assurance:</b>	The state demonstrates that an incident management system is in place that effectively resolves those incidents and prevents further similar incidents to the extent possible.					
<b>Performance measure:</b>	Percent of critical incidents where root cause was identified. N= Number of critical incidents where root cause was identified. D= Number of critical incidents received.					
<b>Data Source: Critical incident documentation</b>						
	<b>Responsible Party for data collection/generation (check each that applies):</b>		<b>Frequency of data collection/generation (check each that applies):</b>		<b>Sampling Approach (check each that applies)</b>	

	X	State Medicaid Agency		Weekly		100% Review
		Operating Agency		Monthly	X	Less than 100% Review Confidence interval: 95%
		Sub-State Entity	X	Quarterly		Representative Sample Confidence interval=
	X	Other Specify: Delegated Entity	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		

#### Data Aggregation and Analysis

	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly
		Operating Agency		Monthly
		Sub-State Entity	X	Quarterly
		Other Specify:	X	Annually
				Continuously and Ongoing
				Other Specify:

<b>Methods for Discovery:</b>	<i>The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare.</i>		
<b>Sub-assurance:</b>	<i>The state establishes overall health care standards and monitors those standards based on the responsibility of the service provider as stated in the approved waiver.</i>		
<b>Performance measure:</b>	Percent of participants reviewed who received information on state plan services and support to access state plan services identified in their person-centered plan. N= Number of participants reviewed who received support to access state plan services. Denominator: Number of participants in the sample with state plan services identified in their PCSP.		
<b>Data Source: Participant survey</b>			
	<b>Responsible Party for data collection/generation</b>	<b>Frequency of data collection/generation</b>	<b>Sampling Approach (check each that applies</b>

	(check each that applies):		(check each that applies):		
	X	State Medicaid Agency		Weekly	100% Review
		Operating Agency		Monthly	X Less than 100% Review Confidence interval: 95%
		Sub-State Entity	X	Quarterly	Representative Sample Confidence interval=
	X	Other Specify: Delegated Entity	X	Annually	Stratified. Describe Group:
				Continuously and Ongoing	Other Specify:
				Other Specify:	
<b>Data Aggregation and Analysis</b>					
	<b>Responsible Party for data aggregation and analysis (check each that applies):</b>			<b>Frequency of data aggregation and analysis (check each that applies):</b>	
	X	State Medicaid Agency			Weekly
		Operating Agency			Monthly
		Sub-State Entity		X	Quarterly
		Other Specify:		X	Annually
					Continuously and Ongoing
					Other Specify:

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

Licensed provider agencies are reviewed every three (3) years by the OIG which includes the monitoring of the employees records for criminal checks and abuse registry checks. Licensed and certified agencies are reviewed by DMS or its designee.

DMS or its designee performs first line monitoring and identifies deficiencies of the Model II waiver provider. This monitoring includes, but not limited to reviewing complaint logs, MARs, policies and procedures of providers for grievances and complaints, etc. During the monitoring DMS or its designee will review the procedures of the provider that train employees and ensure

the health, safety, and welfare of the participants and that incidents are reported appropriately. DMS or designee monitors the complaint process by examining complaint logs and the results of client satisfaction surveys. Providers must ensure that waiver participants have access to agency staff and know their RN Supervisor name and contact information.

DMS or its designee monitors the complaint process by examining complaint logs and the results of client satisfaction surveys.

Providers must ensure that waiver participants have access to agency staff and know their case managers name and contact information.

Require providers to make the toll-free Fraud and Abuse Hotline telephone number of the Office of Inspector General available to agency staff, waiver participants and their caregivers or legal representatives, and other interested parties; The purpose of this telephone Hotline is to enable complaints or other concerns to be reported to the Office of Inspector General.

**b. Method for Remediation/Fixing Individual Problems**

- i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.*

Licensed provider agencies are reviewed every three (3) years by the OIG which includes the monitoring of the employees records for criminal checks and abuse registry checks. Licensed and certified agencies are reviewed by DMS or designee. Should an enrolled provider not meet requirements to provide services, OIG would notify Program Integrity. DMS or its designee performs 1st line monitoring and audit reviews. All documentation concerning the monitoring process for providers is kept for a period of five (5) years after last claim is processed or expiration of the contract, whichever is sooner.

**ii. Remediation Data Aggregation**

**Remediation-related Data Aggregation and Analysis (including trend identification).**

Responsible Party (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
X	State Medicaid Agency		Weekly
	Operating Agency		Monthly
	Sub-State Entity	X	Quarterly
	Other	X	Annually
	Specify:		
			Continuously and Ongoing
			Other
			Specify:

**c. Timeline**

**When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Health and Welfare that are currently non-operational.**

X	No
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	<p><b>Yes</b></p> <p><i>Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for this operation.</i></p>
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## Appendix H: Quality Improvement Strategy (1 of 2)

*Under §1915(c) of the Social Security Act and 42 CFR §441.302, the approval of an HCBS waiver requires that CMS determine that the State has made satisfactory assurances concerning the protection of participant health and welfare, financial accountability and other elements of waiver operations. Renewal of an existing waiver is contingent upon review by CMS and a finding by CMS that the assurances have been met. By completing the HCBS waiver application, the State specifies how it has designed the waiver's critical processes, structures and operational features in order to meet these assurances.*

- *Quality Improvement is a critical operational feature that an organization employs to continually determine whether it operates in accordance with the approved design of its program, meets statutory and regulatory assurances and requirements, achieves desired outcomes, and identifies opportunities for improvement.*

*CMS recognizes that a state's waiver Quality Improvement Strategy may vary depending on the nature of the waiver target population, the services offered, and the waiver's relationship to other public programs, and will extend beyond regulatory requirements. However, for the purpose of this application, the State is expected to have, at the minimum, systems in place to measure and improve its own performance in meeting six specific waiver assurances and requirements.*

*It may be more efficient and effective for a Quality Improvement Strategy to span multiple waivers and other long-term care services. CMS recognizes the value of this approach and will ask the state to identify other waiver programs and long-term care services that are addressed in the Quality Improvement Strategy.*

### **Quality Improvement Strategy: Minimum Components**

*The Quality Improvement Strategy that will be in effect during the period of the approved waiver is described throughout the waiver in the appendices corresponding to the statutory assurances and sub-assurances. Other documents cited must be available to CMS upon request through the Medicaid agency or the operating agency (if appropriate).*

*In the QIS discovery and remediation sections throughout the application (located in Appendices A, B, C, D, G, and I) , a state spells out:*

- *The evidence based discovery activities that will be conducted for each of the six major waiver assurances;*
- *The remediation activities followed to correct individual problems identified in the implementation of each of the assurances;*

*In Appendix H of the application, a State describes (1) the system improvement activities followed in response to aggregated, analyzed discovery and remediation information collected on each of the assurances; (2) the correspondent roles/responsibilities of those conducting assessing and prioritizing improving system corrections and improvements; and (3) the processes the state will follow to continuously assess the effectiveness of the OIS and revise it as necessary and appropriate.*

*If the State's Quality Improvement Strategy is not fully developed at the time the waiver application is submitted, the state may provide a work plan to fully develop its Quality Improvement Strategy, including the specific tasks the State plans to undertake during the period the waiver is in effect, the major milestones associated with these tasks, and the entity (or entities) responsible for the completion of these tasks.*

*When the Quality Improvement Strategy spans more than one waiver and/or other types of long-term care services under the Medicaid State plan, specify the control numbers for the other waiver programs and/or identify the other long-term services that are addressed in the Quality Improvement Strategy. In instances when the QIS spans more than one waiver, the State must be able to stratify information that is related to each approved waiver program. Unless the State has requested and received approval from CMS for the consolidation of multiple waivers for the purpose of reporting, then the State must stratify information that is related to each approved waiver program, i.e., employ a representative sample for each waiver.*

## Appendix H: Quality Improvement Strategy (2 of 2)

### a. System Improvement

- i. *Describe the process(es) for trending, prioritizing, and implementing system improvements (i.e., design changes) prompted as a result of an analysis of discovery and remediation information.*

DMS or its designee collects data from a variety of sources to help understand the effectiveness and quality of its current waiver operations. The data collected provides meaningful insights and informs decisions related to process and systems improvement. DMS has defined its quality-related operational elements including data aggregation, measurement, and reporting activities which promotes consistent, rigorous quality management approaches that are institutionalized within Cabinet operations and culture. DMS determined what data should be collected based on several factors including; relevance to participant health and welfare, reliability of data, importance to DMS operational goals, ease and feasibility of data collection, among other factors. The information collected includes data from: LOC determinations; service authorization, service and expenditure reports; individual plans and outcomes; incident reports; consumer surveys; monitoring visits; progress toward achieving corrective action plan goals; recertification reviews.

DMS analyzes the aggregate data based on established performance targets related to each data point. DMS evaluates data collected against these performance targets to identify performance gaps. As gaps are identified, DMS evaluates program-wide data in a manner that enables DMS staff to observe overarching trends and to “drill down” to observe differences among various geographies, waivers, subpopulations, etc. so that the DMS can begin to understand potential root causes of performance patterns and variation. Subsequently, DMS identifies opportunities to improve operational processes based on performance gaps and trends. DMS prioritizes the process improvement to address performance gaps and trends based on the measure. DMS strategically identifies opportunities to enhance operational processes based on how the process can improve participant health and welfare, strengthen compliance with federal regulations and guidance, improve efficiencies of staff resource use, among other factors.

Implementation of system improvements is dependent on the performance gap. DMS will assess the performance gap and identify the root cause to be addressed. DMS, or its designee, will develop a tailored implementation plan, identify needed staff, determine the steps, sequence, and timeline for system improvement so performance gaps can be addressed in a timely manner.

## ii. System Improvement Activities

Responsible Party (check each that applies):		Frequency of Monitoring and Analyses (check each that applies):	
X	State Medicaid Agency		Weekly
X	Operating Agency		Monthly
	Sub-State Entity	X	Quarterly
	Quality Improvement Committee	X	Annually
	Other		Other
	Specify:		Specify:

## b. System Design Changes.

- i. Describe the process for monitoring and analyzing the effectiveness of system design changes. Include a description of the various roles and responsibilities involved in the processes for monitoring & assessing system design changes. If applicable, include the State's targeted standards for systems improvement.

DMS continually monitors system design changes by evaluating the performance data pre and post-implementation of system changes. DMS establishes performance goals when implementing systems redesign and regularly tracks the progress towards meeting these goals. DMS will monitor the implementation of system improvements through regularly schedule meetings, progress towards key milestone, and continuous monitoring of performance measures. DMS reserves the right to increase the frequency or number of measures collected during system change implementation to identify unforeseen impacts of the system change plan. DMS can modify its design changes based on outcomes indicated by its performance data. As new performance gaps arise, DMS prioritizes additional systems changes to address these gaps. DMS or its designee creates reports to track progress of these systems improvements and discusses progress and with the appropriate parties. This process continues as DMS improves its operations to meet its program-wide goals.

- ii. Describe the process to periodically evaluate, as appropriate, the Quality Improvement Strategy.

The Cabinet is shifting its approach to re-orient its quality management activities from the current compliance focus to one that recognizes the importance of both regulatory compliance and quality improvement to promote improved participant outcomes and other performance improvements. DMS is creating a quality strategy that mirrors this shift in approach. DMS has selected performance measures that allows DMS the ability to understand the effectiveness and quality of its current waiver operations. The data collected provides meaningful insights and informs decisions related to process and systems improvement. DMS regularly reviews each of its core 1915(c) waiver operations and identifies opportunities to modify existing measures or add measures to appropriately monitor its operational effectiveness. In addition, DMS performs a formal annual review of its quality strategy and revises, as needed.

## H-2. Use of a Patient Experience of Care/Quality of Live Survey

- a. *Specify whether the state has deployed a patient experience of care or quality of life survey for its HCBS population in the last 12 months (select one):*

	No
	Yes (complete item H.2.b)

- b. *Specify the type of survey tool the state uses:*

	HCBS CAHPS Survey
	NCI Survey
	NCI AD Survey
	Other (Please provide a description of the survey tool used):

## Appendix I: Financial Accountability

**Financial Integrity.** *Describe the methods that are employed to ensure the integrity of payments that have been made for waiver services, including: (a) requirements concerning the independent audit of provider agencies; (b) the financial audit program that the state conducts to ensure the integrity of provider billings for Medicaid payment of waiver services, including the methods, scope and frequency of audits; and, (c) the agency (or agencies) responsible for conducting the financial audit program. State laws, regulations, and policies referenced in the description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).*

DMS directly conducts post payment annual billing reviews of one hundred percent (100%) of the MWII active providers during the on-site monitoring reviews. These audits shall include a post-payment review of Medicaid reimbursement to the provider agency for services rendered to a waiver member. The DMS Nurse Reviewer shall utilize reports generated from the Medicaid Management Information System (MMIS) reflecting each service billed by the waiver provider. Comparison of payments to member records, documentation and approved Plan of Care (POC) shall be conducted. If any payments were issued without the appropriate documentation or not in accordance with approved POC, DMS will initiate recoupment of the monies.

The Review team follows an annually prepared review schedule to ensure that 100% of the providers are reviewed. Provider reviews are conducted on-site. Monitoring tools that are updated at least annually to ensure that all current and regulatory requirements and indicators related to Performance Measures are on the tools to guide the review of clinical records and the documentation of all services provided. The clinical documentation is also utilized to review the services reimbursed by DMS to ensure that services billed to and reimbursed by DMS are accurate and appropriate.

Monitoring/Reviews are completed annually by DMS for 100% of enrolled providers and a sample of the members served in the Model II waiver. DMS may reflect in the monitoring report that a Corrective Action Plan (CAP) is needed. DMS requests a CAP, if needed. The enrolled provider submits a response to the CAP with supporting evidence of the implementation of the corrective action.

## Appendix I: Financial Accountability

### Quality Improvement: Financial Accountability

#### a. Methods for Discovery:

<b>Methods for Discovery:</b>	<i>The State must demonstrate that it has designed and implemented an adequate system for insuring financial accountability of the waiver program.</i>					
<b>Sub-assurance:</b>	<i>The State provides evidence that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver and only for services rendered.</i>					
<b>Performance measure:</b>	Number and percent of claims coded and paid for in accordance with the reimbursement methodology specified in the approved waiver and only for services rendered on the participant's plan of services. N=Number of claims coded and paid in accordance with methodology and on only for services rendered on the participant's plan of services. D=Number of claims coded and paid.					
<b>Data Source: Financial records (including expenditures)</b>						
	<b>Responsible Party for data collection/generation (check each that applies):</b>		<b>Frequency of data collection/generation (check each that applies):</b>		<b>Sampling Approach (check each that applies)</b>	
	X	State Medicaid Agency		Weekly	X	100% Review
		Operating Agency		Monthly		Less than 100% Review
		Sub-State Entity		Quarterly		Confidence interval: Representative Sample
	X	Other Specify: MMIS	X	Annually		Confidence interval= Stratified.
				Continuously and Ongoing		Describe Group: Other
				Other Specify:		Specify:
<b>Data Aggregation and Analysis</b>						
	<b>Responsible Party for data aggregation and analysis (check each that applies):</b>			<b>Frequency of data aggregation and analysis (check each that applies):</b>		
	X	State Medicaid Agency			Weekly	
		Operating Agency			Monthly	
		Sub-State Entity			Quarterly	

	X	Other Specify:	X	Annually
				Continuously and Ongoing
				Other Specify:

<b>Methods for Discovery:</b>	<i>The State must demonstrate that it has designed and implemented an adequate system for insuring financial accountability of the waiver program.</i>
<b>Sub-assurance:</b>	<i>The State provides evidence that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver and only for services rendered.</i>
<b>Performance measure:</b>	Number and percent of waiver service claims reviewed that were submitted for participants who were enrolled in the waiver on the service delivery date. N= Number of waiver service claims that were submitted for participants who were enrolled in the waiver on the service delivery date. D= Number of waiver service claims.

Data Source: Financial records (including expenditures)						
	Responsible Party for data collection/generation (check each that applies):		Frequency of data collection/generation (check each that applies):		Sampling Approach (check each that applies)	
	X	State Medicaid Agency		Weekly	X	100% Review
		Operating Agency		Monthly		Less than 100% Review Confidence interval:
		Sub-State Entity		Quarterly		Representative Sample Confidence interval=
	X	Other Specify: MMIS	X	Annually		Stratified. Describe Group:
				Continuously and Ongoing		Other Specify:
				Other Specify:		

Data Aggregation and Analysis				
	Responsible Party for data aggregation and analysis (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
	X	State Medicaid Agency		Weekly
		Operating Agency		Monthly

		<i>Sub-State Entity</i>		<i>Quarterly</i>
	X	<i>Other</i> <i>Specify:</i>	X	<i>Annually</i>
				<i>Continuously and Ongoing</i>
				<i>Other</i> <i>Specify:</i>

<b>Methods for Discovery:</b>	<i>The State must demonstrate that it has designed and implemented an adequate system for insuring financial accountability of the waiver program.</i>
<b>Sub-assurance:</b>	<i>The state provides evidence that rates remain consistent with the approved rate methodology throughout the five year waiver cycle.</i>
<b>Performance measure:</b>	Number and percent of rates that remain consistent with the approved rate methodology throughout the five year waiver cycle. N=Number of rates that remain consistent with rate methodology throughout waiver period. D=Number of rates

<b>Data Source: Financial records (including expenditures)</b>						
	<b>Responsible Party for data collection/generation (check each that applies):</b>		<b>Frequency of data collection/generation (check each that applies):</b>		<b>Sampling Approach (check each that applies)</b>	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>	X	<i>100% Review</i>
		<i>Operating Agency</i>		<i>Monthly</i>		<i>Less than 100% Review</i>  <i>Confidence interval:</i>
		<i>Sub-State Entity</i>		<i>Quarterly</i>		<i>Representative Sample</i>  <i>Confidence interval=</i>
	X	<i>Other</i> <i>Specify: MMIS</i>	X	<i>Annually</i>		<i>Stratified.</i>  <i>Describe Group:</i>
				<i>Continuously and Ongoing</i>		<i>Other</i>  <i>Specify:</i>
				<i>Other</i>  <i>Specify:</i>		

<b>Data Aggregation and Analysis</b>				
	<b>Responsible Party for data aggregation and analysis (check each that applies):</b>		<b>Frequency of data aggregation and analysis (check each that applies):</b>	
	X	<i>State Medicaid Agency</i>		<i>Weekly</i>
		<i>Operating Agency</i>		<i>Monthly</i>
		<i>Sub-State Entity</i>		<i>Quarterly</i>

	X	Other Specify:	X	Annually
				Continuously and Ongoing
				Other Specify:

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

DMS reviews and adds Edits/Audits to the Medicaid Management Information System (MMIS) periodically for program compliance and as policy is revised to ensure claims are not paid erroneously.

DMS reviews the CMS-372 report for accuracy prior to submission.

**b. Method for Remediation/Fixing Individual Problems**

- i. Describe the State's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.

DMS or its designee provides technical assistance to certified providers on an ongoing basis. Providers found out of compliance submit and are held to a corrective action plan (CAP). DMS or its designee performs trainings upon request of providers and provides technical assistance whenever requested. Should an enrolled provider fail to meet their CAP, DMS may terminate the provider's enrollment as a waiver provider.

**ii. Remediation Data Aggregation**

**Remediation-related Data Aggregation and Analysis (including trend identification).**

Responsible Party (check each that applies):		Frequency of data aggregation and analysis (check each that applies):	
X	State Medicaid Agency		Weekly
	Operating Agency		Monthly
	Sub-State Entity		Quarterly
X	Other Specify:	X	Annually
			Continuously and Ongoing
			Other Specify:

**c. Timeline**

**When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Financial Accountability that are currently non-operational.**

<b>X</b>	<b>No</b>
	<b>Yes</b> <i>Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for this operation.</i>

## Appendix I-2: Rates, Billing and Claims (1 of 3)

- a. Rate Determination Methods.** *In two pages or less, describe the methods that are employed to establish provider payment rates for waiver services and the entity or entities that are responsible for rate determination. Indicate any opportunity for public comment in the process. If different methods are employed for various types of services, the description may group services for which the same method is employed. State laws, regulations, and policies referenced in the description are available upon request to CMS through the Medicaid agency or the operating agency (if applicable).*

Provider rates are established utilizing a fee-for-service system. Provider rate setting is established in program regulations. All ordinary administrative regulations are subject to a public comment process during promulgation. The rates are set according to the reimbursement section of the regulation that governs the MWII: 907 KAR 1:595. Model Waiver II service coverage and reimbursement policies and requirements. Section 5. Payment for Services. The information on payment rates and reimbursement is available through the MWII web page <http://chfs.ky.gov/dms/mwii.htm> under the heading: Regulations, Policy Information, Provider Letters, Forms and Billing Information. The state uses the historical census data from the MWII previous renewal period along with the reimbursement rates to determine the forward claims data. A COLA would have to be approved by the legislature. There is no COLA built into the rates.

The announcement of regulation change would be posted to the DMS web site giving notice with a link/email for Public Comment (pursuant to KRS 13A.270 (1)(c)). The administrative body shall accept written comments regarding the administrative regulation during the comment period. The comment period shall begin on the date the administrative regulation is filed with the regulations compiler and shall run until the end of the calendar month in which the administrative regulation was published in the Administrative Register. If the last day of the calendar month falls on a Saturday, Sunday, or holiday, the administrative body shall consider all written comments received prior to the close of business of the first workday following the Saturday, Sunday, or holiday.

If any payment rates were to be changed, the notice of change would be available on the DMS website: <http://chfs.ky.gov/dms>, and a provider letter would be mailed.

- b. Flow of Billings.** *Describe the flow of billings for waiver services, specifying whether provider billings flow directly from providers to the State's claims payment system or whether billings are routed through other intermediary entities. If billings flow through other intermediary entities, specify the entities:*

Billings for Model Waiver II services shall flow directly from the waiver providers to the Medicaid Management Information System (MMIS).

## Appendix I-2: Rates, Billing and Claims (2 of 3)

### c. Certified Public Expenditures. (select one):

X	<b>No. State or local government agencies do not certify expenditures for waiver services.</b>
	<b>Yes. State or local government agencies directly expend funds for part or all of the cost of waiver services and certify their State government expenditures (CPE) in lieu of billing that amount to Medicaid.</b>

Select at least one:

	<b>Certified Public Expenditures (CPE) of State Public Agencies.</b>
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*Specify: (a) the State government agency or agencies that certify public expenditures for waiver services; (b) how it is assured that the CPE is based on the total computable costs for waiver services; and, (c) how the State verifies that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR §433.51(b). (Indicate source of revenue for CPEs in Item I-4-a.)*

	<b>Certified Public Expenditures (CPE) of Local Government Agencies.</b>
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*Specify: (a) the local government agencies that incur certified public expenditures for waiver services; (b) how it is assured that the CPE is based on total computable costs for waiver services; and, (c) how the State verifies that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR §433.51(b). (Indicate source of revenue for CPEs in Item I-4-b.)*

## Appendix I-2: Rates, Billing and Claims (3 of 3)

### d. Billing Validation Process. Describe the process for validating provider billings to produce the claim for federal financial participation, including the mechanism(s) to assure that all claims for payment are made only: (a) when the individual was eligible for Medicaid waiver payment on the date of service; (b) when the service was included in the participant's approved service plan; and, (c) the services were provided:

All MWII waiver providers shall be enrolled with the Department for Medicaid Services (DMS) Program Integrity (PI), provider enrollment, and have a signed contract on file. The Medicaid Management Information System (MMIS) has edits and audits established to prevent non-enrolled provider claims from processing. DMS conduct audits of 100% of MWII providers annually. These audits shall include a post-payment review of Medicaid reimbursement to the provider agency for services rendered to a MWII participants. DMS shall utilize reports generated from the Medicaid Management Information System (MMIS) reflecting each service billed by the waiver provider. Comparison of payments to member records, documentation and approved PCSP shall be conducted.

## Appendix I-3: Payment (1 of 7)

### a. Method of payments – MMIS. *Select One:*

X	Payments for all waiver services are made through an approved Medicaid Management Information System (MMIS).
	Payments for some, but not all, waiver services are made through an approved MMIS.

*Specify: (a) the waiver services that are not paid through an approved MMIS; (b) the process for making such payments and the entity that processes payments; (c) and how an audit trail is maintained for all state and federal funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on the CMS-64:*

	Payments for waiver services are not made through an approved MMIS.
--	---

*Specify: (a) the process by which payments are made and the entity that processes payments; (b) how and through which system(s) the payments are processed; (c) how an audit trail is maintained for all state and federal funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on the CMS-64:*

	Payments for waiver services are made by a managed care entity or entities. The managed care entity is paid a monthly capitated payment per eligible enrollee through an approved MMIS.
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*Describe how payments are made to the managed care entity or entities:*

## Appendix I-3: Payment (2 of 7)

### b. Direct payment. *In addition to providing that the Medicaid agency makes payments directly to providers of waiver services, payments for waiver services are made utilizing one or more of the following arrangements (select at least one):*

	The Medicaid agency makes payments directly and does not use a fiscal agent (comprehensive or limited) or a managed care entity or entities.
X	The Medicaid agency pays providers through the same fiscal agent used for the rest of the Medicaid program.
	The Medicaid agency pays providers of some or all waiver services through the use of a limited fiscal agent.

*Specify the limited fiscal agent, the waiver services for which the limited fiscal agent makes payment, the functions that the limited fiscal agent performs in paying waiver claims, and the methods by which the Medicaid agency oversees the operations of the limited fiscal agent:*

	Providers are paid by a managed care entity or entities for services that are included in the State's contract with the entity.
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*Specify how providers are paid for the services (if any) not included in the State's contract with managed care entities.*

## Appendix I-3: Payment (3 of 7)

- c. Supplemental or Enhanced Payments.** *Section 1902(a)(30) requires that payments for services be consistent with efficiency, economy, and quality of care. Section 1903(a)(1) provides for Federal financial participation to States for expenditures for services under an approved State plan/waiver. Specify whether supplemental or enhanced payments are made. Select one:*

X	<b>No. The State does not make supplemental or enhanced payments for waiver services.</b>
	<b>Yes. The State makes supplemental or enhanced payments for waiver services.</b>

*Describe: (a) the nature of the supplemental or enhanced payments that are made and the waiver services for which these payments are made; (b) the types of providers to which such payments are made; (c) the source of the non-Federal share of the supplemental or enhanced payment; and, (d) whether providers eligible to receive the supplemental or enhanced payment retain 100% of the total computable expenditure claimed by the State to CMS. Upon request, the State will furnish CMS with detailed information about the total amount of supplemental or enhanced payments to each provider type in the waiver.*

## Appendix I-3: Payment (4 of 7)

- d. Payments to State or Local Government Providers.** *Specify whether State or local government providers receive payment for the provision of waiver services.*

X	<b>No. State or local government providers do not receive payment for waiver services.</b> Do not complete Item I-3-e.
	<b>Yes. State or local government providers receive payment for waiver services.</b> Complete Item I-3-e.

*Specify the types of State or local government providers that receive payment for waiver services and the services that the State or local government providers furnish:*

## Appendix I-3: Payment (5 of 7)

- e. Amount of Payment to State or Local Government Providers.** *Specify whether any State or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed its reasonable costs of providing waiver services and, if so, whether and how the State recoups the excess and returns the Federal share of the excess to CMS on the quarterly expenditure report. Select one: (If you answered "No." in Appendix I-3-d, you do not need to complete this section.)*

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*Answers provided in Appendix I-3-d indicate that you do not need to complete this section.*

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	The amount paid to State or local government providers is the same as the amount paid to private providers of the same service.
	The amount paid to State or local government providers differs from the amount paid to private providers of the same service. No public provider receives payments that in the aggregate exceed its reasonable costs of providing waiver services.
	The amount paid to State or local government providers differs from the amount paid to private providers of the same service. When a State or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed the cost of waiver services, the State recoups the excess and returns the federal share of the excess to CMS on the quarterly expenditure report.

*Describe the recoupment process:*

### Appendix I-3: Payment (6 of 7)

- f. Provider Retention of Payments.** Section 1903(a)(1) provides that Federal matching funds are only available for expenditures made by states for services under the approved waiver. Select one:

X	Providers receive and retain 100 percent of the amount claimed to CMS for waiver services.
	Providers are paid by a managed care entity (or entities) that is paid a monthly capitated payment.

*Specify whether the monthly capitated payment to managed care entities is reduced or returned in part to the State.*

### Appendix I-3: Payment (7 of 7)

**g. Additional Payment Arrangements**

- i. Voluntary Reassignment of Payments to a Governmental Agency.** Select one:

X	No. The State does not provide that providers may voluntarily reassign their right to direct payments to a governmental agency.
	Yes. Providers may voluntarily reassign their right to direct payments to a governmental agency as provided in 42 CFR §447.10(e).

*Specify the governmental agency (or agencies) to which reassignment may be made.*

- ii. Organized Health Care Delivery System.** Select one:

X	No. The State does not employ Organized Health Care Delivery System (OHCDS) arrangements under the provisions of 42 CFR §447.10.
	Yes. The waiver provides for the use of Organized Health Care Delivery System arrangements under the provisions of 42 CFR §447.10.

*Specify the following: (a) the entities that are designated as an OHCDS and how these entities qualify for designation as an OHCDS; (b) the procedures for direct provider enrollment when a provider does not voluntarily agree to contract with a designated OHCDS; (c) the method(s) for*

assuring that participants have free choice of qualified providers when an OHCDs arrangement is employed, including the selection of providers not affiliated with the OHCDs; (d) the method(s) for assuring that providers that furnish services under contract with an OHCDs meet applicable provider qualifications under the waiver; (e) how it is assured that OHCDs contracts with providers meet applicable requirements; and, (f) how financial accountability is assured when an OHCDs arrangement is used:

iii. **Contracts with MCOs, PIHPs or PAHPs.** Select one:

X	The State does not contract with MCOs, PIHPs or PAHPs for the provision of waiver services.
	The State contracts with a Managed Care Organization(s) (MCOs) and/or prepaid inpatient health plan(s) (PIHP) or prepaid ambulatory health plan(s) (PAHP) under the provisions of §1915(a)(1) of the Act for the delivery of waiver and other services. Participants may voluntarily elect to receive waiver and other services through such MCOs or prepaid health plans. Contracts with these health plans are on file at the State Medicaid agency.

Describe: (a) the MCOs and/or health plans that furnish services under the provisions of §1915(a)(1); (b) the geographic areas served by these plans; (c) the waiver and other services furnished by these plans; and, (d) how payments are made to the health plans.

	This waiver is a part of a concurrent §1915(b)/§1915(c) waiver. Participants are required to obtain waiver and other services through a MCO and/or prepaid inpatient health plan (PIHP) or a prepaid ambulatory health plan (PAHP). The §1915(b) waiver specifies the types of health plans that are used and how payments to these plans are made.
	This waiver is a part of a concurrent §1115/§1915(c) waiver. Participants are required to obtain waiver and other services through a MCO and/or prepaid inpatient health plan (PIHP) or a prepaid ambulatory health plan (PAHP). The §1115 waiver specifies the types of health plans that are used and how payments to these plans are made.

## Appendix I-4: Non-Federal Matching Funds (1 of 3)

a. **State Level Source(s) of the Non-Federal Share of Computable Waiver Costs.** Specify the State source or sources of the non-federal share of computable waiver costs. Select at least one:

X	Appropriation of State Tax Revenues to the State Medicaid agency
	Appropriation of State Tax Revenues to a State Agency other than the Medicaid Agency.

If the source of the non-federal share is appropriations to another state agency (or agencies), specify: (a) the State entity or agency receiving appropriated funds and (b) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if the funds are directly expended by State agencies as CPEs, as indicated in Item I-2-c:

	<b>Other State Level Source(s) of Funds.</b>
--	--

*Specify: (a) the source and nature of funds; (b) the entity or agency that receives the funds; and, (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if funds are directly expended by State agencies as CPEs, as indicated in Item I-2-c:*

## Appendix I-4: Non-Federal Matching Funds (2 of 3)

- b. Local Government or Other Source(s) of the Non-Federal Share of Computable Waiver Costs.** *Specify the source or sources of the non-federal share of computable waiver costs that are not from state sources. Select One:*

X	<b>Not Applicable.</b> <i>There are no local government level sources of funds utilized as the non-federal share.</i>
	<b>Applicable</b> <i>Check each that applies:</i>
	<b>Appropriation of Local Government Revenues.</b>

*Specify: (a) the local government entity or entities that have the authority to levy taxes or other revenues; (b) the source(s) of revenue; and, (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement (indicate any intervening entities in the transfer process), and/or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2-c:*

	<b>Other Local Government Level Source(s) of Funds.</b>
--	---

*Specify: (a) the source of funds; (b) the local government entity or agency receiving funds; and, (c) the mechanism that is used to transfer the funds to the State Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2-c:*

## Appendix I-4: Non-Federal Matching Funds (3 of 3)

- c. Information Concerning Certain Sources of Funds.** *Indicate whether any of the funds listed in Items I-4-a or I-4-b that make up the non-federal share of computable waiver costs come from the following sources: (a) health care-related taxes or fees; (b) provider-related donations; and/or, (c) federal funds. Select one:*

X	<b>None of the specified sources of funds contribute to the non-federal share of computable waiver costs</b>
	<b>The following source(s) are used</b> <i>Check each that applies:</i>

		Health care-related taxes or fees
		Provider-related donations
		Federal funds

*For each source of funds indicated above, describe the source of the funds in detail:*

## Appendix I-5: Exclusion of Medicaid Payment for Room and Board

### a. Services Furnished in Residential Settings. Select one:

X	No services under this waiver are furnished in residential settings other than the private residence of the individual.
	As specified in Appendix C, the State furnishes waiver services in residential settings other than the personal home of the individual.

### b. Method for Excluding the Cost of Room and Board Furnished in Residential Settings. *The following describes the methodology that the State uses to exclude Medicaid payment for room and board in residential settings:*

## Appendix I-6: Payment for Rent and Food Expenses of an Unrelated Live-In Caregiver

### Reimbursement for the Rent and Food Expenses of an Unrelated Live-In Personal Caregiver.

*Select one:*

X	No. The State does not reimburse for the rent and food expenses of an unrelated live-in personal caregiver who resides in the same household as the participant.
	Yes. Per 42 CFR §441.310(a)(2)(ii), the State will claim FFP for the additional costs of rent and food that can be reasonably attributed to an unrelated live-in personal caregiver who resides in the same household as the waiver participant. The State describes its coverage of live-in caregiver in Appendix C-3 and the costs attributable to rent and food for the live-in caregiver are reflected separately in the computation of factor D (cost of waiver services) in Appendix J. FFP for rent and food for a live-in caregiver will not be claimed when the participant lives in the caregiver's home or in a residence that is owned or leased by the provider of Medicaid services.

*The following is an explanation of: (a) the method used to apportion the additional costs of rent and food attributable to the unrelated live-in personal caregiver that are incurred by the individual served on the waiver and (b) the method used to reimburse these costs:*

## Appendix I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (1 of 5)

### a. Co-Payment Requirements. Specify whether the State imposes a co-payment or similar charge upon waiver participants for waiver services. *These charges are calculated per service and have the effect of reducing the total computable claim for federal financial participation. Select one:*

X	<b>No. The State does not impose a co-payment or similar charge upon participants for waiver services.</b>
	<b>Yes. The State imposes a co-payment or similar charge upon participants for one or more waiver services.</b>

- i. Co-Pay Arrangement.** *Specify the types of co-pay arrangements that are imposed on waiver participants (check each that applies):*

*Charges Associated with the Provision of Waiver Services (if any are checked, complete Items I-7-a-ii through I-7-a-iv):*

	<b>Nominal deductible</b>
	<b>Coinsurance</b>
	<b>Co-Payment</b>
	<b>Other charge</b>

*Specify:*

## Appendix I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (2 of 5)

### a. Co-Payment Requirements.

#### ii. Participants Subject to Co-pay Charges for Waiver Services.

---

*Answers provided in Appendix I-7-a indicate that you do not need to complete this section.*

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## Appendix I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (3 of 5)

### a. Co-Payment Requirements.

#### iii. Amount of Co-Pay Charges for Waiver Services.

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*Answers provided in Appendix I-7-a indicate that you do not need to complete this section.*

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## Appendix I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (4 of 5)

### a. Co-Payment Requirements.

#### iv. Cumulative Maximum Charges.

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

## Appendix I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (5 of 5)

- b. **Other State Requirement for Cost Sharing.** Specify whether the State imposes a premium, enrollment fee or similar cost sharing on waiver participants. Select one:

X	<b>No. The State does not impose a premium, enrollment fee, or similar cost-sharing arrangement on waiver participants.</b>
	<b>Yes. The State imposes a premium, enrollment fee or similar cost-sharing arrangement.</b>

Describe in detail the cost sharing arrangement, including: (a) the type of cost sharing (e.g., premium, enrollment fee); (b) the amount of charge and how the amount of the charge is related to total gross family income; (c) the groups of participants subject to cost-sharing and the groups who are excluded; and, (d) the mechanisms for the collection of cost-sharing and reporting the amount collected on the CMS 64:

## Appendix J: Cost Neutrality Demonstration

### Appendix J-1: Composite Overview and Demonstration of Cost-Neutrality Formula

**Composite Overview.** Complete the fields in Cols. 3, 5 and 6 in the following table for each waiver year. The fields in Cols. 4, 7 and 8 are auto-calculated based on entries in Cols 3, 5, and 6. The fields in Col. 2 are auto-calculated using the Factor D data from the J-2-d Estimate of Factor D tables. Col. 2 fields will be populated ONLY when the Estimate of Factor D tables in J-2-d have been completed.

#### Level(s) of Care: Nursing Facility

<b>Year</b> (Column A)	<b>Factor D</b> (Column B)	<b>Factor D'</b> (Column C)	<b>Total: D+D'</b> (Column D)	<b>Factor G</b> (Column E)	<b>Factor G'</b> (Column F)	<b>Total: G+G'</b> (Column G)	<b>Difference: (D+ D') - (G +G')</b> (Column H)
<b>Year 1</b>	\$ 84,052.45	\$ 82,394.07	\$ 166,446.52	\$ 229,831.60	\$ 13,203.60	\$ 243,035.20	\$ 76,588.68
<b>Year 2</b>	\$ 84,052.45	\$ 87,873.28	\$ 171,925.73	\$ 245,115.40	\$ 14,081.64	\$ 259,197.04	\$ 87,271.31
<b>Year 3</b>	\$ 84,052.45	\$ 93,716.85	\$ 177,769.30	\$ 261,415.57	\$ 15,018.07	\$ 276,433.64	\$ 98,664.34

<b>Year 4</b>	\$ 84,052.45	\$ 99,949.02	\$ 184,001.47	\$ 278,799.71	\$ 16,016.77	\$ 294,816.48	\$ 110,815.01
<b>Year 5</b>	\$ 84,052.45	\$ 106,595.63	\$ 190,648.08	\$ 297,339.89	\$ 17,081.89	\$ 314,421.78	\$ 123,773.70

## Appendix J-2: Derivation of Estimates (1 of 9)

- a. **Number of Unduplicated Participants Served.** Enter the total number of unduplicated participants from Item B-3-a who will be served each year that the waiver is in operation. When the waiver serves individuals under more than one level of care, specify the number of unduplicated participants for each level of care:

<b>Waiver Year</b> (Column A)	<b>Total Unduplicated Number of Participants</b> (Column B)	<b>Distribution of Unduplicated Participants by Level of Care</b> (Column C)
		<b>Level of Care:</b>
Year 1	100	
Year 2	100	
Year 3	100	
Year 4	100	
Year 5	100	

## Appendix J-2: Derivation of Estimates (2 of 9)

- b. **Average Length of Stay.** Describe the basis of the estimate of the average length of stay on the waiver by participants in item J-2-a.

## Appendix J-2: Derivation of Estimates (3 of 9)

- c. **Derivation of Estimates for Each Factor.** Provide a narrative description for the derivation of the estimates of the following factors.
- i. **Factor D Derivation.** The estimates of Factor D for each waiver year are located in Item J-2-d. The basis for these estimates is as follows:

The previous three waiver years (2011-2013) showed little change in average usage, so the most recent 372(S) report was used for Factor D. However, the previous three waiver years did not have any expenditures for respiratory therapy, so in order to account for these services, should the be used during the renewal period, we added 52 average units per user, which increased the Factor D by \$1,425.84 annual per user. This allows for one unit (one hour) of respiratory therapy per consumer per week. This is to allow the consumer the freedom of choice in having a professional respiratory therapist visit and service the ventilator weekly.

- ii. **Factor D' Derivation.** The Estimates of Factor D' for each waiver year are located in Item J-2-d. The basis for these estimates is as follows:

The most current 372(S) report (2013), represents the previous waiver renewal for waiver year 3. By using the increase of 6.65%, applied (projected) to waiver years 4 and 5, I was able to project a starting point for the waiver renewal for year 1, which included a compounded inflation rate of 6.65% (for waiver years 4 and 5). I used this projected increase in healthcare spending to reflect the currently unreported (per 372(S) reports) numbers for D', G, and G'. The rate of inflation used for the calculation of D', G, and G' (6.65%) was to account for the increase in

Medicaid spending, due in part to the Medicaid expansion and the aging population. According to the National Health Expenditure Projections 2012-2022 Forecast Summary, “As some states are expected to expand their Medicaid programs after 2014, an additional 8.8 million people are expected to enroll in the program by 2016. Medicaid spending is expected to grow by 7.9 percent on average in 2015 and 2016. After 2016, Medicaid spending growth is expected to be about 6.6 percent per year on average, mainly driven by spending by aged and disabled beneficiaries.” (<https://www.cms.gov/research-statistics-data-and-systems/statisticstrends-and-reports/nationalhealthexpenddata/downloads/proj2012.pdf>)

- iii. **Factor G Derivation.** *The Estimates of Factor G for each waiver year are located in Item J-2-d. The basis for these estimates is as follows:*

The most current 372(S) report (2013), represents the previous waiver renewal for waiver year 3. By using the increase of 6.65%, applied (projected) to waiver years 4 and 5, I was able to project a starting point for the waiver renewal for year 1, which included a compounded inflation rate of 6.65% (for waiver years 4 and 5). I used this projected increase in healthcare spending to reflect the currently unreported (per 372(S) reports) numbers for D', G, and G'. The rate of inflation used for the calculation of D', G, and G' (6.65%) was to account for the increase in Medicaid spending, due in part to the Medicaid expansion and the aging population. According to the National Health Expenditure Projections 2012-2022 Forecast Summary, “As some states are expected to expand their Medicaid programs after 2014, an additional 8.8 million people are expected to enroll in the program by 2016. Medicaid spending is expected to grow by 7.9 percent on average in 2015 and 2016. After 2016, Medicaid spending growth is expected to be about 6.6 percent per year on average, mainly driven by spending by aged and disabled beneficiaries.” (<https://www.cms.gov/research-statistics-data-and-systems/statisticstrends-and-reports/nationalhealthexpenddata/downloads/proj2012.pdf>)

- i. **Factor G' Derivation.** *The Estimates of Factor G' for each waiver year are located in Item J-2-d. The basis for these estimates is as follows:*

The most current 372(S) report (2013), represents the previous waiver renewal for waiver year 3. By using the increase of 6.65%, applied (projected) to waiver years 4 and 5, I was able to project a starting point for the waiver renewal for year 1, which included a compounded inflation rate of 6.65% (for waiver years 4 and 5). I used this projected increase in healthcare spending to reflect the currently unreported (per 372(S) reports) numbers for D', G, and G'. The rate of inflation used for the calculation of D', G, and G' (6.65%) was to account for the increase in Medicaid spending, due in part to the Medicaid expansion and the aging population. According to the National Health Expenditure Projections 2012-2022 Forecast Summary, “As some states are expected to expand their Medicaid programs after 2014, an additional 8.8 million people are expected to enroll in the program by 2016. Medicaid spending is expected to grow by 7.9 percent on average in 2015 and 2016. After 2016, Medicaid spending growth is expected to be about 6.6 percent per year on average, mainly driven by spending by aged and disabled beneficiaries.” (<https://www.cms.gov/research-statistics-data-and-systems/statisticstrends-and-reports/nationalhealthexpenddata/downloads/proj2012.pdf>)

## Appendix J-2: Derivation of Estimates (4 of 9)

**Component management for waiver services.** *If the service(s) below includes two or more discrete services that are reimbursed separately, or is a bundled service, each component of the service must be listed. Select “manage components” to add these components.*

<b>Waiver Service</b>	
Skilled Services by an LPN	
Skilled Services by an RN	
Skilled Services by an RT	

## Appendix J-2: Derivation of Estimates (5 of 9)

### d. Estimate of Factor D.

- i. **Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

#### Waiver Year: Year 1

<b>Waiver Services / Component</b> (Column A)	<b>Unit</b> (Column B)	<b># Users</b> (Column C)	<b>Avg. Units Per User</b> (Column D)	<b>Avg. Cost per Unit</b> (Column E)	<b>Component Cost</b> (Column F)	<b>Total Service Cost</b> (Column G)
<b>Skilled services provided by a Licensed Practical Nurse Total:</b>					<b>\$ 5,836,296.00</b>	
Skilled services provided by a Licensed Practical Nurse Total:	Hourly	92.00	2180.00	\$ 29.10	<b>\$ 5,836,296.00</b>	
<b>Skilled Services provided by a Registered Nurse Total:</b>					<b>\$ 2,554,690.32</b>	
Skilled Services provided by a Registered Nurse Total:	Hourly	84.00	951.00	\$ 31.98	<b>\$ 2,554,690.32</b>	
<b>Skilled services provided by a Respiratory Therapist Total:</b>					<b>\$ 14,258.40</b>	
Skilled services provided by a Respiratory Therapist Total:	Hourly	10.00	52.00	\$ 27.42	<b>\$ 14,258.40</b>	
<b>Grand Total:</b>					<b>\$ 8,405,244.72</b>	
<b>Total Estimated Unduplicated Participants:</b>					<b>100.00</b>	
<b>Factor D (Divide total number of Participants):</b>					<b>\$ 84,052.45</b>	
<b>Average Length of</b>					<b>305.00</b>	

		<b>Stay on the Waiver:</b>	
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## Appendix J-2: Derivation of Estimates (6 of 9)

### e. Estimate of Factor D.

- ii. **Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

#### Waiver Year: Year 2

<b>Waiver Services / Component</b> (Column A)	<b>Unit</b> (Column B)	<b># Users</b> (Column C)	<b>Avg. Units Per User</b> (Column D)	<b>Avg. Cost per Unit</b> (Column E)	<b>Component Cost</b> (Column F)	<b>Total Service Cost</b> (Column G)
<b>Skilled services provided by a Licensed Practical Nurse Total:</b>					\$ <b>5,836,296.00</b>	
Skilled services provided by a Licensed Practical Nurse Total:	Hourly	92.00	2180.00	\$ 29.10	\$ <b>5,836,296.00</b>	
<b>Skilled Services provided by a Registered Nurse Total:</b>					\$ <b>2,554,690.32</b>	
Skilled Services provided by a Registered Nurse Total:	Hourly	84.00	951.00	\$ 31.98	\$ <b>2,554,690.32</b>	
<b>Skilled services provided by a Respiratory Therapist Total:</b>					\$ <b>14,258.40</b>	
Skilled services provided by a Respiratory Therapist Total:	Hourly	10.00	52.00	\$ 27.42	\$ <b>14,258.40</b>	
<b>Grand Total:</b>					\$ <b>8,405,244.72</b>	
					<b>Total Estimated Unduplicated Participants:</b>	<b>100.00</b>
					<b>Factor D (Divide total number of Participants):</b>	<b>\$ 84,052.45</b>
					<b>Average Length of Stay on the Waiver:</b>	<b>305.00</b>

## Appendix J-2: Derivation of Estimates (7 of 9)

### f. Estimate of Factor D.

- iii. **Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

#### Waiver Year: Year 3

Waiver Services / Component (Column A)	Unit (Column B)	# Users (Column C)	Avg. Units Per User (Column D)	Avg. Cost per Unit (Column E)	Component Cost (Column F)	Total Service Cost (Column G)
<b>Skilled services provided by a Licensed Practical Nurse Total:</b>					\$ 5,836,296.00	
Skilled services provided by a Licensed Practical Nurse Total:	Hourly	92.00	2180.00	\$ 29.10	\$ 5,836,296.00	
<b>Skilled Services provided by a Registered Nurse Total:</b>					\$ 2,554,690.32	
Skilled Services provided by a Registered Nurse Total:	Hourly	84.00	951.00	\$ 31.98	\$ 2,554,690.32	
<b>Skilled services provided by a Respiratory Therapist Total:</b>					\$ 14,258.40	
Skilled services provided by a Respiratory Therapist Total:	Hourly	10.00	52.00	\$ 27.42	\$ 14,258.40	
<b>Grand Total:</b>					\$ 8,405,244.72	
<b>Total Estimated Unduplicated Participants:</b>					100.00	
<b>Factor D (Divide total number of Participants):</b>					\$ 84,052.45	
<b>Average Length of Stay on the Waiver:</b>					305.00	

## Appendix J-2: Derivation of Estimates (8 of 9)

### g. Estimate of Factor D.

- iv. **Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

**Waiver Year: Year 4**

<b>Waiver Services / Component</b> (Column A)	<b>Unit</b> (Column B)	<b># Users</b> (Column C)	<b>Avg. Units Per User</b> (Column D)	<b>Avg. Cost per Unit</b> (Column E)	<b>Component Cost</b> (Column F)	<b>Total Service Cost</b> (Column G)
<b>Skilled services provided by a Licensed Practical Nurse Total:</b>					<b>\$ 5,836,296.00</b>	
Skilled services provided by a Licensed Practical Nurse Total:	Hourly	92.00	2180.00	\$ 29.10	<b>\$ 5,836,296.00</b>	
<b>Skilled Services provided by a Registered Nurse Total:</b>					<b>\$ 2,554,690.32</b>	
Skilled Services provided by a Registered Nurse Total:	Hourly	84.00	951.00	\$ 31.98	<b>\$ 2,554,690.32</b>	
<b>Skilled services provided by a Respiratory Therapist Total:</b>					<b>\$ 14,258.40</b>	
Skilled services provided by a Respiratory Therapist Total:	Hourly	10.00	52.00	\$ 27.42	<b>\$ 14,258.40</b>	
<b>Grand Total:</b>					<b>\$ 8,405,244.72</b>	
					<b>Total Estimated Unduplicated Participants:</b>	<b>100.00</b>
					<b>Factor D (Divide total number of Participants):</b>	<b>\$ 84,052.45</b>
					<b>Average Length of Stay on the Waiver:</b>	<b>305.00</b>

## Appendix J-2: Derivation of Estimates (9 of 9)

### h. Estimate of Factor D.

- v. **Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields.

All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

**Waiver Year: Year 5**

<b>Waiver Services / Component</b> (Column A)	<b>Unit</b> (Column B)	<b># Users</b> (Column C)	<b>Avg. Units Per User</b> (Column D)	<b>Avg. Cost per Unit</b> (Column E)	<b>Component Cost</b> (Column F)	<b>Total Service Cost</b> (Column G)
<b>Skilled services provided by a Licensed Practical Nurse Total:</b>					<b>\$ 5,836,296.00</b>	
Skilled services provided by a Licensed Practical Nurse Total:	Hourly	92.00	2180.00	\$ 29.10	<b>\$ 5,836,296.00</b>	
<b>Skilled Services provided by a Registered Nurse Total:</b>					<b>\$ 2,554,690.32</b>	
Skilled Services provided by a Registered Nurse Total:	Hourly	84.00	951.00	\$ 31.98	<b>\$ 2,554,690.32</b>	
<b>Skilled services provided by a Respiratory Therapist Total:</b>					<b>\$ 14,258.40</b>	
Skilled services provided by a Respiratory Therapist Total:	Hourly	10.00	52.00	\$ 27.42	<b>\$ 14,258.40</b>	
<b>Grand Total:</b>					<b>\$ 8,405,244.72</b>	
					<b>Total Estimated Unduplicated Participants:</b>	<b>100.00</b>
					<b>Factor D (Divide total number of Participants):</b>	<b>\$ 84,052.45</b>
					<b>Average Length of Stay on the Waiver:</b>	<b>305.00</b>